

## 54TH DAY

Wednesday, April 4, 1973

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, was called to order at 11:00 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by The Reverend Photius Pentikis of Saints Constantine and Helen Greek Orthodox Church.

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

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

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 107 to 121) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 107) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 637, as amended, and the request for a conference on the subject matter of said amendments, Senators Ushijima, Chairman; Takahashi, Wong 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. 108) returning House Concurrent Resolution No. 104 which was adopted by the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 109) returning House Bill No. 162 which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 110) transmitting Senate Concurrent Resolution No. 34, SD 1, requesting the Temporary Visitor Industry Council to conduct a study of overbooking in hotels, which was adopted by the Senate on April 3, 1973, was placed on file.

By unanimous consent, further action on S.C.R. No. 34 was deferred until later on the calendar.

A communication from the Senate (Sen. Com. No. 111) transmitting Senate Bill No. 10, SD 1, entitled: "A Bill for an Act relating to housing" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 112) transmitting Senate Bill No. 63 entitled: "A Bill for an Act relating to ordinary disability retirement" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 113) transmitting Senate Bill No. 71, SD 1, entitled: "A Bill for an Act relating to public assistance" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 114) transmitting Senate Bill No. 186, SD 1, entitled: "A Bill for an Act relating to disposition of public lands" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 115) transmitting Senate Bill No. 394 entitled: "A Bill for an Act relating to volunteer fire stations" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 116) transmitting Senate Bill No. 855, SD 2, entitled: "A Bill for an Act establishing a housing development corporation" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 117) transmitting Senate Bill No. 910, SD 1, entitled: "A Bill for an Act relating to fees for horizontal property regime registration"

which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 118) transmitting Senate Bill No. 980 entitled: "A Bill for an Act relating to interruption of commerce" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 119) transmitting Senate Bill No. 989, SD 1, entitled: "A Bill for an Act relating to waiving State's right to have tort actions tried by the court without a jury under Section 662-5, Hawaii Revised Statutes" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 120) transmitting Senate Bill No. 1183 entitled: "A Bill for an Act relating to drug abuse" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 121) transmitting Senate Bill No. 1380, SD 1, entitled: "A Bill for an Act relating to county ordinances establishing historical, cultural, and scenic districts" which passed Third Reading in the Senate on April 3, 1973, was placed on file.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, S.B. Nos. 10, 63, 71, 186, 394, 855, 910, 980, 989, 1183 and 1380 passed First Reading by title and further action was deferred until later on the calendar.

#### DEPARTMENTAL COMMUNICATION

A communication from Hiroshi Yamashita, Chairman, Board of Education (Dept. Com. No. 13) acknowledging receipt of House Resolution No. 424 urging the DOE and HSTA to return to the collective bargaining table which was adopted during the Regular Session of 1973, was read by the Clerk and was placed on file.

#### ORDER OF THE DAY

#### COMMITTEE REFERRALS

The following bills (S.B. Nos. 10, 63, 71, 186, 394, 855, 910, 980, 989, 1183

and 1380) were disposed of as follows:

S.B. No. 10 was referred to the Committee on Housing.

S.B. No. 63 was referred to the Committee on Finance.

S.B. No. 71 was referred to the Committee on Public Welfare and Assistance and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 186 was referred to the Committee on Water, Land Use and Development.

S.B. No. 394 was referred to the Committee on Public Employment.

S.B. No. 855 was referred to the Committee on Housing and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 910 was referred to the Committee on Finance.

S.B. No. 980 was referred to the Committee on Labor and Employment and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 989 was referred to the Committee on Judiciary.

S.B. No. 1183 was referred to the Committee on Health.

S.B. No. 1380 was referred to the Committee on Water, Land Use and Development.

#### DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 14) was disposed of as follows:

S.C.R. No. 34 was referred to the Committee on Tourism.

At this time, the Chair directed the Clerk to note the presence of Representatives Iha, Kimura, King, Kunimura, O'Connor, Wakatsuki and Yamada.

**STANDING COMMITTEE REPORTS**

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 630) informing the House that House Resolution Nos. 438 to 441, Standing Committee Report Nos. 596 to 629, and Standing Committee Report Nos. 631 to 664, have been printed and distributed.

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

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 631) approving the intent and purpose of S.C.R. No. 32 and recommending its referral to the Committee on Finance.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and S.C.R. No. 32 was referred to the Committee on Finance.

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 632) approving the intent and purpose of H.C.R. No. 21 and recommending its referral to the Committee on Finance.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and H.C.R. No. 21 was referred to the Committee on Finance.

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 633) approving the intent and purpose of H.R. No. 28 and recommending its referral to the Committee on Finance.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and H.R. No. 28 was referred to the Committee on Finance.

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 634) approving the intent and purpose of H.R. No. 27 and recommending its referral to the Committee on Finance.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and H.R. No. 27 was referred to the Committee on Finance.

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 635) approving the intent and purpose of H.R. No. 88 and recommending its referral to the Committee on Finance.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and H.R. No. 88 was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 636) approving the intent and purpose of H.R. No. 401 and recommending its referral to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 401 was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 637) approving the intent and purpose of H.R. No. 412 and recommending its referral to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 412 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 638) approving the intent and purpose of H.B. No. 1724 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No.

1724 passed Second Reading and was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 639) approving the intent and purpose of H.B. No. 1898 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1898, as amended, was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 640) approving the intent and purpose of H.B. No. 991 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 640 on H.B. No. 991 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 641) approving the intent and purpose of H.B. No. 167 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 641 on H.B. No. 167, as amended, was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 642) approving the intent and purpose of H.B. No. 645 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 642 on H.B. No. 645 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 643) approving the intent and purpose of H.B. No. 479 and recommending its passage on Third Reading.

By unanimous consent, consideration

of Stand. Com. Rep. No. 643 on H.B. No. 479 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 644) approving the intent and purpose of H.B. No. 577 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 644 on H.B. No. 577 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 645) approving the intent and purpose of H.B. No. 660 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 645 on H.B. No. 660, as amended, was deferred until tomorrow, April 5, 1973.

The Chair directed the Clerk to note that printed copies of H.B. No. 991; H.B. No. 167, HD 2; H.B. No. 645; H.B. No. 479; H.B. No. 577 and H.B. No. 660, HD 1, were made available to the members of the House at 11:10 o'clock a.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. 646) approving the intent and purpose of H.B. No. 68 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative Medina and carried, the report of the Committee was adopted and H.B. No. 68, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 647) approving the intent and purpose of H.B. No. 1385 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 H.B. No. 1385 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 648) approving the intent and purpose of H.B. No. 1910 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1910, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 649) approving the intent and purpose of H.B. No. 1849 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 H.B. No. 1849 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 650) approving the intent and purpose of H.B. No. 1845 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1845, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 651) approving the intent and purpose of H.B. No. 1856 and recommending its passage

on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1856, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 652) approving the intent and purpose of H.B. No. 1539 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1539, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 653) approving the intent and purpose of H.B. No. 807 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 807, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 654) approving the intent and purpose of H.B. No. 901 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 901, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 655) approving the intent and purpose of H.B. No. 1860 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 H.B. No. 1860 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

The Chair directed the Clerk to note that H.B. Nos. 68, 1385, 1910, 1849, 1845, 1856, 1539, 807, 901 and 1860 had passed Second Reading not later than 11:10 o'clock a.m.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 656) approving the intent and purpose of H.B. No. 562 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 656 on H.B. No. 562, as amended, was deferred until tomorrow, April 5, 1973.

The Chair directed the Clerk to note that printed copies of H.B. No. 562, HD 2, were made available to the members of the House at 11:10 o'clock a.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. 657) approving the intent and purpose of H.B. No. 661 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 661, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 658) approving the intent and purpose of H.B.

No. 1634 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1634, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 659) approving the intent and purpose of H.B. No. 2030 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the majority of the Committee was adopted and H.B. No. 2030, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 660) approving the intent and purpose of H.B. No. 153 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 153, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 661) approving the intent and purpose of S.B. No. 97 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 97, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 662) approving the intent and purpose of S.B. No. 134 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. 134 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 663) approving the intent and purpose of H.B. No. 706 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 706, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

The Chair directed the Clerk to note that H.B. Nos. 661, 1634, 2030, 153 and 706 and S.B. Nos. 97 and 134 had passed Second Reading not later than 11:10 o'clock a.m.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 664) approving the intent and purpose of H.B. No. 1504 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.B. No. 1504, as amended, passed Second Reading and was referred to the Committee on Finance.

At 11:11 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.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 442 to 445) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 442) congratulating Kimo Alama, first and third place winner in the 24th Annual Hawaiian Song Composing Contest was jointly offered by Representatives Beppu, Akizaki, A. Chong, W. Chong, J. Garcia, R. Garcia, Kato, Kihano, Kimura, Kishinami, Kondo, Kunimura, Medina, Morioka, Nakama, Oda, Poepoe, Roehrig, Sakima, Soares, Suwa, Takamine, Uechi, Wakatsuki, Wedemeyer, Yap, Young and Yuen.

On motion by Representative Kunimura, seconded by Representative Oda and carried, H.R. No. 442 was adopted.

A resolution (H.R. No. 443) extending warmest aloha and congratulations to all the participants in the 1973 Nisei Veterans Reunion and the members of the 442nd Infantry Regiment on their anniversary was jointly offered by Representatives Beppu, Akizaki, A. Chong, W. Chong, J. Garcia, R. Garcia, Kato, Kihano, Kimura, Kishinami, Kondo, Kunimura, Medina, Morioka, Nakama, Oda, Poepoe, Roehrig, Sakima, Soares, Suwa, Takamine, Uechi, Wakatsuki, Wedemeyer, Yap, Young and Yuen.

On motion by Representative Kunimura, seconded by Representative Kato and carried, H.R. No. 443 was adopted.

A resolution (H.R. No. 444) commending and recognizing the Women's International Soccer Association of Hawaii was jointly offered by Representatives A. Chong, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, W. Chong, Cobb, Fong, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Lee, Leopold, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wong, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative A.

Chong, seconded by Representative Ushijima and carried, H.R. No. 444 was adopted.

A resolution (H.R. No. 445) congratulating the Sheridan Jolly Roger baseball team, 1973 Honolulu Senior AJA League champions and Oahu Representative in the State AJA Baseball Tournament was jointly offered by Representatives King, Akizaki, A. Chong, R. Garcia, Iha, Kato, Kawakami, Kihano, Kishinami, Kondo, Lee, Medina, Morioka, Nakama, Roehrig, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wong, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative King, seconded by Representative Akizaki and carried, H.R. No. 445 was adopted.

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 107 to 115) were referred to the Committee on Legislative Management and further action was deferred until later on the calendar:

A concurrent resolution (H.C.R. No. 107) relating to the State data management system was jointly offered by Representatives King, Akizaki, A. Chong, R. Garcia, Kato, Kishinami, Lee, Nakama, O'Connor, Oda, Suwa, Yap and Yim.

A concurrent resolution (H.C.R. No. 108) relating to parole success was jointly offered by Representatives King, Akizaki, A. Chong, R. Garcia, Lee, Nakama, O'Connor, Oda, Suwa, Yap and Yim.

A concurrent resolution (H.C.R. No. 109) requesting a joint interim committee to study the Uniform Securities Act (Modified) was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, King, Lee, Medeiros, Medina, Roehrig, Sakima, Wedemeyer, Yamada and Yap.

A concurrent resolution (H.C.R. No. 110) relating to a study of the proposed amendments to the Uniform Commercial Code was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, King, Lee, Medeiros, Medina, Roehrig, Sakima, Wedemeyer, Yamada and Yap.

A concurrent resolution (H.C.R. No. 111) relating to a study of the Uniform Consumer Credit Code was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, King, Lee, Medeiros, Medina, Roehrig, Sakima, Wedemeyer, Yamada and Yap.

A concurrent resolution (H.C.R. No. 112) requesting the appointment of a joint interim committee to study the Hawaii Correctional System Master Plan was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, Lee, Medeiros, Medina, Roehrig, Sakima, Wedemeyer, Yamada and Yap.

A concurrent resolution (H.C.R. No. 113) requesting the Legislative Reference Bureau to reevaluate the organizational structure of the University of Hawaii College of Tropical Agriculture to become more responsive and to better serve state-wide agricultural needs was jointly offered by Representatives Kimura, Akizaki, A. Chong, Iha, Kawakami, Kihano, Kishinami, Kunimura, Morioka, Roehrig, Sakima, Wedemeyer and Young.

A concurrent resolution (H.C.R. No. 114) requesting the Office of the Legislative Auditor to conduct an audit of the community college system of the University of Hawaii was jointly offered by Representatives Medina, Amaral, Carroll, R. Garcia, Kimura, Kondo, Ushijima, Wedemeyer, Wong, Yim and Young.

A concurrent resolution (H.C.R. No. 115) requesting the Congress of the United States to pass legislation exempting processed pineapple products of the State of Hawaii from the Coastwise Shipping Law so as to permit the shipment thereof to the mainland on all U.S. Flag ships and, when not available for whatever reason, on ships of foreign registry was jointly offered by Representatives Roehrig, Iha, Kawakami, Kimura and Medina.

At this time, Representative Kimura introduced to the members of the House Mr. Lewis Parker, a member of the House of Delegates of South Hill, Virginia, and his wife, Mrs. Sharon Parker.

The Chair then appointed Representatives Kunimura, Wedemeyer and Poepoe to escort Delegate Parker to the rostrum whereupon he addressed the members of the House.

### 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 Reading on the basis of a modified consent calendar.

### THIRD READING

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

Third Reading of H.B. No. 129.

On motion by Representative Yap, seconded by Representative Medina, H.B. No. 129 passed Third Reading by a vote of 49 ayes, with Representatives Lee and O'Connor being excused.

Third Reading of H.B. No. 130.

On motion by Representative Yap, seconded by Representative Medina, H.B. No. 130 passed Third Reading by a vote of 49 ayes, with Representatives Lee and O'Connor being excused.

Third Reading of H.B. No. 862.

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 862 passed Third Reading by a vote of 50 ayes, with Representative O'Connor being excused.

### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 586 on H.B. No. 1334 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. 1334, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative O'Connor being excused.

Consideration of Stand. Com. Rep. No. 587 on H.B. No. 1880, 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. 1880, as amended, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative O'Connor being excused.

Consideration of Stand. Com. Rep. No. 588 on H.B. No. 1147, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 588 and H.B. No. 1147, HD 2, were recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 589 on H.B. No. 1155, 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. 1155, as amended, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative O'Connor being excused.

Consideration of Stand. Com. Rep. No. 590 on H.B. No. 1154, 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. 1154, as amended, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative O'Connor being excused.

The Chair directed the Clerk to note that H.B. Nos. 129, 130, 862, 1334, 1880, 1155 and 1154 had passed Third Reading not earlier than 12:30 o'clock p.m.

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

At 12:45 o'clock p.m., the House of Representatives reconvened.

### APPOINTMENT OF CONFERENCE COMMITTEE

In accordance with the disagreeing vote of the House to the amendments

proposed by the Senate to H.B. No. 637 and the request for a conference on the subject matter of said amendments, Representatives Yap, Suwa, O'Connor, Co-Chairmen; Kihano, Kimura, Kondo, Kunimura, Sakima, Yamada, Saiki and Fong were appointed as Managers on the part of the House at such conference.

At 1:05 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 3:30 o'clock p.m. this afternoon.

#### AFTERNOON SESSION

The House of Representatives reconvened at 4:07 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Wasai, for the Committee on Parks, Fish and Game Management, presented a report (Stand. Com. Rep. No. 665) approving the intent and purpose of H.C.R. No. 80 and recommending its referral to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 80 was referred to the Committee on Finance.

Representative Lee, for the majority of the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 666) approving the intent and purpose of H.B. No. 439 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the majority of the Committee was adopted and H.B. No. 439 passed Second Reading and was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 667) approving the intent and purpose of S.B. No. 14 and recommending its passage on Second Reading and its referral to the Committee on Judiciary with certain amendments.

On motion by Representative

Lunasco, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 14, as amended, passed Second Reading and was referred to the Committee on Judiciary.

Representative R. Garcia, for the Committee on Military and Civil Defense, presented a report (Stand. Com. Rep. No. 668) approving the intent and purpose of H.R. No. 45 and recommending its referral to the Committee on Parks, Fish and Game Management.

On motion by Representative R. Garcia, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 45 was referred to the Committee on Parks, Fish and Game Management.

Representative R. Garcia, for the Committee on Military and Civil Defense, presented a report (Stand. Com. Rep. No. 669) approving the intent and purpose of H.R. No. 224 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative R. Garcia, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 224, as amended, was referred to the Committee on Finance.

Representative R. Garcia, for the Committee on Military and Civil Defense, presented a report (Stand. Com. Rep. No. 670) approving the intent and purpose of H.C.R. No. 59 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative R. Garcia, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.C.R. No. 59, as amended, was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 671) approving the intent and purpose of H.B. No. 900 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative

Kimura and carried, the report of the Committee was adopted and H.B. No. 900, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

The Chair directed the Clerk to note that H.B. No. 900 had passed Second Reading at 4:10 o'clock p.m.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 672) approving the intent and purpose of H.B. No. 1770 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 672 on H.B. No. 1770, as amended, was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 673) approving the intent and purpose of H.B. No. 1088 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 673 on H.B. No. 1088 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 674) approving the intent and purpose of H.B. No. 306 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 674 on H.B. No. 306 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 675) approving the intent and purpose of H.B. No. 1769 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 675 on H.B. No. 1769 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 676) approving the intent and purpose of H.B. No. 196 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 676 on H.B. No. 196 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 677) approving the intent and purpose of H.B. No. 217 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 677 on H.B. No. 217 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 678) approving the intent and purpose of H.B. No. 1883 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 678 on H.B. No. 1883 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 679) approving the intent and purpose of H.B. No. 219 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 679 on H.B. No. 219 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 680) approving the intent and purpose of H.B. No. 579 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 680 on H.B. No. 579 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 681) approving the intent and purpose of H.B.

No. 220 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 681 on H.B. No. 220 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 682) approving the intent and purpose of H.B. No. 2026 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 682 on H.B. No. 2026 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 683) approving the intent and purpose of H.B. No. 389 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 683 on H.B. No. 389 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 684) approving the intent and purpose of H.B. No. 198 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 684 on H.B. No. 198 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 685) approving the intent and purpose of H.B. No. 103 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 685 on H.B. No. 103 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 686) approving the intent and purpose of H.B. No. 478 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 686 on H.B. No. 478 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 687) approving the intent and purpose of H.B. No. 636 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 687 on H.B. No. 636 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 688) approving the intent and purpose of S.B. No. 121 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 688 on S.B. No. 121 was deferred until tomorrow, April 5, 1973.

The Chair directed the Clerk to note that printed copies of H.B. No. 1770, HD 2; H.B. No. 1088; H.B. No. 306; H.B. No. 1769; H.B. No. 196; H.B. No. 217; H.B. No. 1883, HD 1; H.B. No. 219; H.B. No. 579; H.B. No. 220; H.B. No. 2026; H.B. No. 389; H.B. No. 198; H.B. No. 103; HD 1; H.B. No. 478, HD 1; H.B. No. 636 and S.B. No. 121 were made available to the members of the House at 4:10 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At 4:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 4:30 o'clock p.m., the House of Representatives reconvened.

#### INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 446) requesting the Department of Education and the Hawaii State Teachers Association to settle their mutual differences with all deliberate speed was jointly offered by Representatives Soares, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, Hapai, Iha, Kawakami, Kihano, Kimura, King, Kishinami,

Kondo, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Oda, Poepoe, Roehrig, Saiki, Sakima, Suwa, Ushijima, Wakatsuki, Wasai, Wong, Yamada, Yap, Yim and Beppu and was read by the Clerk.

On motion by Representative Soares, seconded by Representative J. Garcia and carried, H.R. No. 446 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 447 to 472) and concurrent resolution (H.C.R. No. 116) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 5, 1973:

A resolution (H.R. No. 447) requesting that the Department of Agriculture and Land and Natural Resources and all other affected agencies recommend a standard, compatible definition of the terms "farmer" and "new farmer" was jointly offered by Representatives Roehrig, Iha, Kawakami, Kimura and Medina.

A resolution (H.R. No. 448) relating to parole success was jointly offered by Representatives King, Akizaki, A. Chong, R. Garcia, Kishinami, Lee, Nakama, O'Connor, Oda, Suwa, Yap and Yim.

A resolution (H.R. No. 449) relating to the State data management system was jointly offered by Representatives King, Akizaki, A. Chong, R. Garcia, Kato, Kishinami, Lee, Nakama, O'Connor, Oda, Suwa, Yap and Yim.

A resolution (H.R. No. 450) requesting the Legislative Reference Bureau to reevaluate the organizational structure of the University of Hawaii College of Tropical Agriculture to become more responsive and to better serve state-wide agricultural needs was jointly offered by Representatives Kimura, Akizaki, A. Chong, Iha, Kawakami, Kihano, Kishinami, Kunimura, Morioka, Roehrig, Sakima, Wedemeyer and Young.

A resolution (H.R. No. 451) relating to the working relationship between the University of Hawaii and the Department of Education in the area of curriculum was jointly offered by Representatives Kimura, Akizaki, A. Chong, Iha, Kawakami, Kihano, Kishinami,

Kunimura, Morioka, Saiki, Sakima, Wedemeyer and Young.

A resolution (H.R. No. 452) requesting an interim study to review the functions relating to consumer protection was jointly offered by Representatives Wong, Aduja, Aki, Akizaki, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, Iha, Kato, Kihano, Lee, Leopold, Lunasco, Medeiros, Nakama, Poepoe, Saiki, Sakima, Suwa, Takamine, Uechi, Wasai, Wedemeyer, Yim, Young and Yuen.

A resolution (H.R. No. 453) requesting an interim study of the Department of Agriculture of the States of California and Florida regarding their organizational structure and their compatibility to Hawaii's Department of Agriculture was jointly offered by Representatives Wong, Aduja, Aki, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, Iha, Kato, Kihano, Kimura, Lunasco, Medeiros, Medina, Nakama, Poepoe, Saiki, Sakima, Suwa, Takamine, Uechi, Wasai, Wedemeyer, Yap, Yim, Young and Yuen.

A resolution (H.R. No. 454) requesting the President of the United States that Hawaii be exempted from the mandatory oil import quota program created by Presidential Proclamation No. 3279 was jointly offered by Representatives Wong, Akizaki, A. Chong, Iha, Kihano, Kishinami, Lee, Lunasco, Morioka, Suwa, Ushijima, Yim and Yuen.

A resolution (H.R. No. 455) giving support to the United Farm Workers and the nation-wide boycott of non-union lettuce was jointly offered by Representatives Wong, Akizaki, A. Chong, Iha, Kishinami, Lee, Lunasco, Morioka, Suwa, Ushijima, Wasai, Yim and Yuen.

A resolution (H.R. No. 456) requesting a study be conducted of all real property tax assessments in the State was jointly offered by Representatives Wong, Akizaki, A. Chong, Iha, Kihano, Kishinami, Lee, Lunasco, Morioka, Suwa, Ushijima, Wasai, Yim and Yuen.

A resolution (H.R. No. 457) requesting Hawaii's Congressional Delegation to introduce legislation to combat the health problems incurred by

immigrants into the country and the State was jointly offered by Representatives Wong, Akizaki, A. Chong, Iha, Kihano, Kishinami, Lee, Lunasco, Morioka, Suwa, Ushijima, Wasai, Yim and Yuen.

A resolution (H.R. No. 458) relating to first aid training for public safety personnel was jointly offered by Representatives R. Garcia, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, Hapai, Iha, Kata, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Yuen.

A resolution (H.R. No. 459) requesting an environmental assessment of proposed housing developments in the Heeia area, Oahu was offered by Representative Wasai.

A resolution (H.R. No. 460) requesting the Speaker of the House of Representatives to appoint a special legislative committee to mediate the impasses between the Hawaii State Teachers' Association and the Department of Education was offered by Representative Wasai.

A resolution (H.R. No. 461) relating to a comprehensive planning strategy for the State was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 462) requesting the Hawaii Housing Authority to aid Campbell Estate in the development of a new town for Ewa was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 463) requesting a residential development in Kakaako, Oahu was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 464) requesting a moratorium on resort development on Oahu was jointly offered by Representatives Yim, Cobb, R. Garcia,

Kato, Lunasco, Wasai and Wong.

A resolution (H.R. No. 465) requesting the development and government subsidy of an interisland transportation system was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 466) requesting the Governor to release the funds appropriated for the second deep-water harbor for Oahu at Barber's Point was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 467) calling for the establishment of marine resources conservation areas was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 468) calling for a moratorium on small boat harbor construction pending a study of public policy priorities relating to allocation of public funds and natural resources for shoreline recreation was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 469) requesting that the Chairman of the Department of Land and Natural Resources present an overall recreational plan to the legislature was jointly offered by Representatives Yim, Cobb, R. Garcia, Kato, Lunasco, Uechi, Wasai and Wong.

A resolution (H.R. No. 470) requesting the Judicial Council to conduct a feasibility study on the legalization of cockfighting was jointly offered by Representatives Hapai, Aduja, Carroll, Kimura, Medina, O'Connor, Sakima and Yap.

A resolution (H.R. No. 471) requesting the Department of Health and the Department of Social Services and Housing to conduct a feasibility study on the use of the old Kona Hospital as a multi-purpose service and rehabilitation facility was jointly offered by Representatives Hapai, Ajifu, W. Chong, J. Garcia, Roehrig, Suwa and Takamine.

A resolution (H.R. No. 472) requesting an interim committee to study crime in Hawaii was jointly offered by Representatives Wong, Aduja, Ajifu, Aki,

Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, -Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Yamada, Yap, Yim, Young, Yuen and Beppu.

A concurrent resolution (H.C.R. No. 116) giving support to the United Farm Workers and the nation-wide boycott of non-union lettuce was jointly offered by Representatives Wong, Akizaki, A. Chong, Iha, Kishinami, Lee, Lunasco, Morioka, Suwa, Ushijima, Wasai, Yim and Yuen.

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

Representative O'Connor moved that the House reconsider its action taken earlier in placing H.B. No. 217 on 24-hour notice, seconded by Representative Kimura and carried.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 677 and H.B. No. 217 were recommitted to the Committee on Judiciary.

Representative O'Connor moved that the House reconsider its action taken earlier in placing H.B. No. 220 on 24-hour notice, seconded by Representative Kimura and carried.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 681 and H.B. No. 220 were recommitted to the Committee on Judiciary.

Representative O'Connor moved that the House reconsider its action taken earlier in placing H.B. No. 198 on 24-hour notice, seconded by Representative Kimura and carried.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 684 and H.B. No. 198 were recommitted to the Committee on Judiciary.

At 4:40 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 7:30 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 8:05 o'clock p.m.

#### DEFERRED RESOLUTIONS

The following concurrent resolutions (H.C.R. Nos. 107 to 115) were disposed of as follows:

H.C.R. No. 107 was referred to the Committee on Public Employment and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 108 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 109 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 110 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 111 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 112 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 113 was referred to the Committee on Higher Education and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 114 was referred to the Committee on Higher Education and after consideration by it, the Committee

was instructed to refer the concurrent resolution to the Committee on Finance.

H.C.R. No. 115 was referred to the Committee on Agriculture.

### THIRD READING

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

Third Reading of H.B. No. 708.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 708 passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ajifu, Carroll and Yamada voting no.

Third Reading of H.B. No. 2021.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 2021 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 998.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 998 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1000.

Representative O'Connor moved that H.B. No. 1000, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Leopold then offered the following amendment to H.B. No. 1000:

“SECTION 1. House Bill 1000 is amended by amending section 1 by adding four new subsections to read as follows:

‘(i) Section 269–2 is amended as follows:

‘Sec. 269–2 Public utilities commission; number [,]; appointment; [of commissioners.] compensation. There shall be a public utilities commission of [five] three members, to be called commissioners, and who shall be appointed in the manner prescribed in

section 26–34[. No member of the commission shall be a salaried officer or employee of the State. Two members shall be appointed from the city and county of Honolulu and one from each of the counties of Hawaii, Maui, and Kauai. One of the city and county of Honolulu members shall be the chairman of the commission. Each of the members shall receive compensation at the rate of \$50 per day while actually engaged in the performance of his duties as commissioner, and such reasonable traveling expenses as may be incurred in the discharge of his duties.], except that because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue the commissioners in office for terms of five years as long as efficiency is demonstrated. The chairman of the commission shall devote full time to his duties of regulating public utilities and shall be paid a salary at the rate of ninety–five per cent of the salary of a circuit court judge. Two members of the commission shall not be salaried officers or employees of the State, but shall each receive compensation at the rate of \$50 per day while actually engaged in the performance of duties as commissioner, and such reasonable traveling expenses as may be incurred in the discharge of duties. No person owning any stock or bonds of any public utility corporation, or having any interest in, or deriving any remuneration from, any public utility shall be appointed to or hold an office on the commission, or be appointed or employed by the commission.”

(j) Chapter 269 is amended by adding a new section to be appropriately designated and to read as follows:

‘Sec. 269– Succession to powers, duties, purposes, responsibilities, and jurisdiction of public utilities commission. On and after January 1, 1974, the three–member public utilities commission shall succeed to all of the powers, duties, purposes, responsibilities, and jurisdiction now conferred on the public utilities commission except as otherwise provided.

Any franchise, certificate, license, or permit issued by the commission and in effect on December 31, 1973, shall be deemed on and after January 1, 1974, to be a franchise, certificate, license, or

permit of the three-member commission.'

(k) Section 269-3 is amended as follows:

'Sec. 269-3 Employment of assistants. The [director of regulatory agencies] public utilities commission may appoint and employ such clerks, stenographers, agents, engineers, accountants, and other assistants for the public utilities commission, as may be necessary, and define their powers and duties. The [director] commission may appoint a chief administrator who shall be exempted from chapter 76. [The commission may appoint an attorney who shall be exempt from the provisions of chapter 76, Hawaii Revised Statutes, and who shall act as attorney for the commission. The attorney general and his deputies shall act as attorneys for the staff of the commission.] All employees of the commission shall be responsible to the commission for the carrying out of the duties and responsibilities of their respective positions.'

(l) Chapter 269 is amended by adding a new section to be appropriately designated and to read as follows:

'Sec. 269- Legal counsel. The public utilities commission shall appoint and employ at least one attorney who shall serve as full-time counsel on the staff of the public utilities commission. The attorney general and his deputies shall act as legal counsel only for the commission and shall be responsible for drafting the decisions and orders of the commission. The commission may also appoint an attorney who shall be exempt from chapter 76 and who shall act as attorney for the commission.'

SECTION 2. House Bill 1000 is amended by amending section 4 to read as follows:

'SECTION 4. This Act shall take effect on January 1, 1974.'

Representative Leopold moved that the amendment be adopted, seconded by Representative Soares.

Representative Leopold then spoke for the amendment, as follows:

'Our State Public Utilities

Commission today faces exceedingly complex problems that require a high measure of professionalism not required in a simpler, smaller society. The PUC monitors and regulates a telephone company, two electric companies, a gas company, three water utilities, the trucking industry, passenger tour buses, certain financial aspects of Island airlines and interisland water carriers. Complicating an already complex situation is the fact that a number of these companies are now owned by interests outside Hawaii. Hawaiian Telephone Company's merger into the General Telephone and Electronics System is but one example.

To adequately protect the consumer interest in utility matters, our State PUC must be expert and informed enough to support its judgments concerning such issues as the efficiency of utility operations, the fair rate of return on company investment, and the fair rate base upon which to determine a fair rate of return. The Hawaii PUC does not now have sufficient time or staff to study, analyze and report on basic utility problems that are beyond the immediate limitations of the regulatory process.

The proposed amendment would eliminate our present five-member, part-time commission and in its place install a three-member PUC with one fulltime member who would serve as Chairman and two part-time members. The fulltime commissioner and the two part-time commissioners would be appointed by the Governor and confirmed by the Senate. The salary of the fulltime commissioner would be 95% of Circuit Court Judge's salary, or \$28,700. The part-time commissioners would continue to receive a \$50 per meeting compensation.

Hawaii's utility companies have great resources and professional talent with which to fight the efforts of our understaffed, part-time regulatory agency. Hawaiian Telephone Company and Hawaiian Electric Company, for example, have available to them today attorneys well-schooled in the complexities of public utility law. Until the public is as ably represented, its adequate protection is left in doubt. Accordingly, the amendment would empower the Commission to hire a fulltime attorney who would be

responsible for presenting the staff's case in hearings before the Commission. Simply put, the Commission's staff would have a fulltime attorney. The Attorney General would represent the Commission. And the Commission would retain the option of appointing additional legal counsel for itself.

Mr. Speaker, the time is long overdue to begin to construct the machinery for a fulltime Commission and provide for a more efficient handling of public utility matters in this State."

Representative O'Connor then rose and spoke against the amendment, as follows:

"Mr. Speaker, House Bill No. 1000 is a bill presented to this Body simply to clean up the chapters relating to the public utilities in the Hawaii Revised Statutes. It is a product of the Judicial Council on Statutory Reform and Justice Rhoda Lewis who has worked as a reporter of that Committee.

The intent of this piece of legislation is to go through the chapters, changing, where necessary, references to court rules; incorporating, where necessary, rules and statutes of the PUC, and turning over to the courts, where necessary, other items which should be incorporated in their rules.

Mr. Speaker, the intent of this bill has nothing to do with the intent of the proposed amendment. We are offering a resolution seeking an interim study by the members of this Body on the PUC, its makeup and the needs for the Commission--what background the Commission members should have and how they should be appointed.

Because of the complexities of this matter, Mr. Speaker, and the fact that we should take time to study it, I would urge every member of this Body to vote against this amendment.

Representative Kimura then rose and spoke against the amendment.

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

Representative Leopold then offered the following amendment to H.B. No. 1000:

"SECTION 1. Subsection (a) of Sec. 269-16 of section 1(c) of House Bill 1000 is amended to read as follows:

'(a) All rates, fare, charges, classifications, schedules, rules, and practices made, charged, or observed by any public utility, or by two or more public utilities jointly, shall be just and reasonable and shall be filed with the public utilities commission and no rate, fare, charge, classification, schedule, rule, or practice shall be established, abandoned, modified, or departed from except after thirty days' notice to the commission; provided, however, no rates, fare, or charges shall be increased without the prior approval of the commission. The notice herein provided for shall plainly state the rate, fare, charge, classification, schedule, rule, or practice proposed to be established, abandoned, modified, or departed from and the proposed effective date thereof and shall be given by filing the notice with the commission and keeping it open for public inspection. The commission may, in its discretion and for good cause shown, allow any rate, fare, charge, classification, schedule, rule, or practice to be established, abandoned, modified, or departed from upon notice less than that provided for herein. The commission shall not approve any increase in rates without conducting an advertised public hearing or hearings thereon on the island which the utility is situated. No rates shall be increased nor shall any hearings be held unless notice of hearing, with the purpose thereof and the date, time, and place at which it will open has been advertised not less than once in each of three weeks in a newspaper published in and of general circulation in the State, the first publication being not less than twenty-one days before the hearing and the last publication being not more than two days before the scheduled hearing. The applicant or applicants will notify their consumers or patrons to be affected by proposed rate changes of the proposed change [in rates] and of the time and place of the hearing by mailing a notice not less than [one] two weeks [before] prior to the date [set] of the hearing, the manner and the fact of notification to be reported to the commission before the date of hearing. The commission is authorized to use such additional media as radio or television to advise the public if it finds it necessary to do so. The commission, upon notice to the public

utility, may suspend the operation of any proposed rate, fare, charge, classification, schedule, rule, or practice or any proposed abandonment or modification thereof or departure therefrom and after a hearing by order regulate, fix, and change all such rates, fares, charges, classifications, schedules, rules, and practices, so that the same shall be just and reasonable, and prohibit rebates and unreasonable discrimination between localities, or between users or consumers, under substantially similar conditions, regulate the manner in which the property of every public utility is operated with reference to the safety and accommodation of the public, prescribe its form and method of keeping accounts, books, and records, and its accounting system, regulate the return upon its public utility property, the incurring of indebtedness relating to its public utility business, and its financial transactions, and do all things in addition which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed, and changed shall be just and reasonable, and such as shall provide a fair return on the property of the utility actually used or useful for public utility purposes. [From every order made by the commission under the provisions of this chapter an appeal shall lie to the supreme court in like manner as an appeal lies from an order or decision of a circuit judge at chambers. The appeal shall not of itself stay the operation of the order appealed from, but the supreme court may stay the order after a hearing upon a motion therefor, upon such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained in whole or in part.]”

Representative Leopold moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Leopold then spoke for the adoption of the amendment, as follows:

“The purpose of this amendment is to require the public utility companies to notify their subscribers by mail whenever the companies seek a rate increase. The utilities have direct, certain and regular contact with each and every customer

through the direct mailing lists of their customers, and using such contact for providing notice of a proposed rate change is clearly appropriate. It provides an effective way to reach each customer individually and is a relatively inexpensive method of doing so.

The language of the amendment is purposely tight. I do not believe that statutory language requiring utility notification to subscribers should be broad enough so as to allow the Public Utilities Commission discretionary power regarding notification. Such discretionary power should only be granted a Commission which has demonstrated its commitment to the protection of the consumer interest of this State. The present Commission has not.”

Representative O'Connor then rose and spoke against the amendment stating that this amendment seeks to make a substantive change to the section regarding public utility law and has no relation to the bill before the Body.

The motion to adopt the amendment was put by the Chair and roll call having been requested, the amendment failed to carry by a vote of 27 noes to 24 ayes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Kato, King, Leopold, Lunasco, Medeiros, Oda, Poepoe, Saiki, Soares, Uechi, Wong, Yamada and Yim voting aye.

At this time, Representative Soares rose and stated that he is employed by a utility 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 Soares was not excused from voting on this measure.

Representative Morioka then rose and stated that he is employed by a utility 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 Morioka was not excused from voting on this measure.

The motion to pass H.B. No. 1000 on

Third Reading was put by the Chair and H.B. No. 1000 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 33.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 33 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1848.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1848 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 662.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 662 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 659.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 659 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 324.

On motion by Representative Kawakami, seconded by Representative A. Chong, H.B. No. 324 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1162.

On motion by Representative O'Connor, seconded by Representative Kimura, roll call having been requested, H.B. No. 1162 passed Third Reading by a vote of 39 ayes to 12 noes, with Representatives Aduja, Amaral, Fong, J. Garcia, Hapai, Kato, Oda, Poepoe, Saiki, Soares, Wasai and Yamada voting no.

Third Reading of H.B. No. 1157.

On motion by Representative O'Connor, seconded by Representative Cobb, H.B. No. 1157 passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 708, 2021, 998, 1000, 33, 1848, 662, 659, 324, 1162 and 1157 had passed Third Reading not earlier than 8:05 o'clock p.m.

## UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 596 on H.B. No. 92 which had been deferred to this day.

Representative Young moved that the report of the Committee be adopted and H.B. No. 92, having been read throughout, pass Third Reading, seconded by Representative Yuen.

Representative J. Garcia then rose and expressed the concerns of the Minority members, as follows:

“House Bill No. 92, as presently drafted, gives the Commission the right to do anything without having a majority vote. Under the composition of this bill, there would be eight members on the Commission and any four members can do anything they so desire insofar as the institution of this measure is concerned.

Our second concern is that the measure provides for the acquisition of land not immediately needed for housing purposes. We believe that such acquisition can run into difficulty under eminent domain laws, particularly in trying to secure private lands for public use at a time when those lands will not be needed.

Our third concern is that this bill bypasses all statutes, all zoning codes and all ordinances under the terms of this measure and we believe this will create more problems than it intends to cure.

Despite these concerns, the Minority members favor the passage of this bill.”

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 92, as amended, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 597 on H.B. No. 91 which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 597 on H.B. No. 91, as amended, was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 598 on H.B. No. 721, as amended, which had been deferred to this day.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, Stand. Com. Rep. No. 598 and H.B. No. 721, HD 2, were recommitted to the Committee on Water, Land Use and Development.

Consideration of Stand. Com. Rep. No. 607 on H.B. No. 1515, as amended, which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 607 on H.B. No. 1515, as amended, was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 617 on H.B. No. 341 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. 341, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 620 on H.B. No. 28, 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. 28, as amended, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 621 on H.B. No. 1322, 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. 1322, as amended, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 622 on H.B. No. 1145 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. 1145, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 623 on H.B. No. 1552 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. 1552, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 624 on H.B. No. 1142 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. 1142, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 625 on H.B. No. 1156, 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. 1156, as amended, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 626 on H.B. No. 1321 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. 1321, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 627 on H.B. No. 1332 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. 1332, having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative A. Chong voting no.

Consideration of Stand. Com. Rep. No. 628 on H.B. No. 1246 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. 1246, having been

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

The Chair directed the Clerk to note that H.B. Nos. 92, 341, 28, 1322, 1145, 1552, 1142, 1156, 1321, 1332 and 1246 had passed Third Reading not earlier than 8:05 o'clock p.m.

Consideration of Stand. Com. Rep. No. 629 on H.B. No. 932 which had been deferred to this day.

Representative Sakima moved that the report of the Committee be adopted and H.B. No. 932, having been read throughout, pass Third Reading, seconded by Representative Young.

Representative Leopold then offered the following amendment to H.B. No. 932:

“SECTION 1. House Bill 932, H.D. 1, is amended by amending section 1 to read as follows:

‘SECTION 1. Chapter 25, Hawaii Revised Statutes, is amended as follows:

(a) By adding a new part to read as follows:

## PART II. BOARD OF EDUCATION

Sec. 25-11 Reapportionment commission; advisory councils. In 1973 and every eighth year thereafter the governor shall appoint a reapportionment commission to reapportion the board of education. The appointees shall serve at the pleasure of the governor as provided in this part and the members of the commission shall be the same as the members of the reapportionment commission constituted in the manner prescribed in section 4, Article III of the Constitution.

The governor shall also appoint an apportionment advisory council for each basic island unit. The appointees shall serve at the pleasure of the governor as provided in this part and the members of the apportionment advisory council shall be the same as the members of the apportionment advisory councils constituted pursuant to section 4, Article III of the Constitution.

A vacancy in the commission or a council shall be filled within fifteen days

after the vacancy occurs. Commission and council positions and vacancies not filled within the times specified shall be filled promptly thereafter by the supreme court.

The commission shall act by majority vote of its membership and shall establish its own procedures except as may be provided by law.

No member of the reapportionment commission or an apportionment advisory council shall be eligible to become a candidate for election to the board of education in either of the first two elections under any such reapportionment plan.

The chief election officer shall be secretary of the commission without vote and, under the direction of the commission, shall furnish all necessary technical services.

Members of the reapportionment commission and the apportionment advisory councils shall serve until a reapportionment plan is submitted to the chief election officer pursuant to section 25-12, the filing of which shall terminate their appointments.

Sec. 25-12 Duties. The members of the board of education reapportionment commission shall begin their duties immediately after the reapportionment plan submitted pursuant to section 4, Article III of the Constitution, becomes effective. The commission shall reapportion the members of the board of education among the basic island units and among the districts therein on the basis, method, and criteria prescribed in sections 25-13 and 25-14. Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. Not more than fifteen days from the date on which the members hold the first meeting, the commission shall cause to be published in a newspaper of general circulation in each basic island unit a reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan so published shall be held in each basic island unit within fifteen days after the initial publication. At least ten days' notice shall be given of such public hearing. The notice shall include a

statement of the substance of the proposed reapportionment plan, and of the date, time, and place where interested persons may be heard thereon. The notice shall be published at least once in a newspaper of general circulation in the basic island unit where the hearing will be held. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. Within ten days after the last of such public hearings, but in no event later than forty-five days from the date on which the members hold their first meeting, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer the final reapportionment plan. The chief election officer shall submit the reapportionment plan to the legislature, meeting after the filing of the plan, for adoption.

Sec. 25-13 Apportionment of board of education among basic island units. The commission shall determine the smallest number of members needed to form a board of education to be apportioned among the four basic island units, namely (1) the island of Hawaii; (2) the islands of Maui, Lanai, Molokai, and Kahoolawe; (3) the island of Oahu and all other islands not specifically enumerated; and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered in the last preceding general election in each of the basic island units and computed by the method known as the method of equal proportions, except that no basic island unit shall receive less than one member.

Sec. 25-14 Apportionment of board of education within basic island units. Upon the determination of the total number of members of the board of education to which each basic island unit is entitled, the commission shall apportion the members among the representative districts and precincts therein and shall redraw district lines where necessary in such manner that the average number of registered voters per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

(1) No district shall extend beyond the boundaries of any basic island unit.

(2) No district shall be so drawn as to unduly favor a person or political faction.

(3) Except in the case of districts encompassing more than one island, districts shall be contiguous.

(4) Insofar as practicable, districts shall be compact.

(5) Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and when practicable shall coincide with census tract boundaries.

(6) School districts shall be composed of representative districts and precincts within any basic island unit.

(7) Not more than one member shall be elected from any district.

(8) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Sec. 25-15 Powers. The commission may require all such persons as it deems necessary to appear personally and testify before it and to produce to it all books, records, files, papers, maps, and documents as shall appear to be necessary for the purpose of formulating a reapportionment plan. The chairman of the commission or any member thereof acting on behalf of the chairman shall have power to administer oaths to persons summoned to appear before the commission and such persons may be questioned, under oath, concerning all matters necessary for the due execution of the duties vested in the commission by this part. All hearings and proceedings shall be governed by this part and by rules of practice and procedure established by the commission. A majority of its membership shall constitute a quorum to do business, and the concurrence of a majority of its membership shall be necessary to make any action of the commission valid. Meetings shall be called and held at the call of the chairman or by a quorum.

Sec. 25-16 Penalty for violation and false evidence. Any person who,

having been summoned under section 25-15 to give testimony or to produce any books, records, files, papers, maps, and documents, wilfully makes default, or who, having appeared, refuses to answer any questions or wilfully gives false evidence shall be fined not more than \$1,000, or imprisoned not more than twelve months, or both.

Sec. 25-17 Compensation. Each of the members of the reapportionment commission shall, for the period he holds his office, receive compensation of \$50 a meeting but not to exceed \$1,000 a month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for compensation and expenses shall be paid by warrants signed by the chairman of the commission. The members of the commission shall be exempt from chapters 76 and 77.

Sec. 25-18 Cooperation. The commission may request and shall receive from every department, division, board, bureau, commission, or other agency of the State cooperation and assistance in the performance of its duties.

Sec. 25-19 Apportionment advisory councils. Each advisory council shall serve in an advisory capacity to the board of education reapportionment commission as to matters affecting its basic island unit. A member of a council shall, for the period he holds his office, receive compensation of \$50 per meeting but not to exceed \$500 per month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for expenses shall be made by warrants signed by the chairman of the appropriate advisory council. The members of the council shall be exempt from the provisions of chapters 76 and 77. Each council shall elect its own chairman and may elect other officers that may be necessary to carry out its functions. Meetings shall be called and held at the call of the chairman or by a quorum which shall be a majority of the members.

Sec. 25-20 Records, reports. The commission and each council shall keep a written record of its meetings and hearings and shall submit a written report to the Legislature next convening.

(b) By amending section 25-3 to

read:

'Sec. 25-3 Powers. The commission may require all such persons as it deems necessary to appear personally and testify before it and to produce to it all books, records, files, papers, maps and documents as shall appear to be necessary for the purpose of formulating a reapportionment plan. The chairman of the commission or any member thereof acting on behalf of the chairman shall have power to administer oaths to persons summoned to appear before the commission and such persons may be questioned, under oath, concerning all matters necessary for the due execution of the duties vested in the commission by the Constitution and by this [chapter.] part. All hearings and proceedings shall be governed by this [chapter] part and by rules of practice and procedure established by the commission. A majority of its membership shall constitute a quorum to do business, and the concurrence of a majority of its membership shall be necessary to make any action of the commission valid. Meetings shall be called and held at the call of the chairman or by a quorum.'

(c) Sections 25-1 to 25-8 shall be part I of chapter 25 which part is designated 'PART I. LEGISLATURE'."

Representative Leopold moved that the amendment be adopted, seconded by Representative J. Garcia.

At 8:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 8:45 o'clock p.m., the House of Representatives reconvened.

Representative Leopold then spoke for the adoption of the amendment, as follows:

"The purpose of this amendment is to provide the means to reapportion our malapportioned school board in the most reasonable and least costly manner. The bill offers an unreasonable solution which is unnecessarily costly.

An increase in the membership of the board of 19 members will mean an added cost to the State of approximately \$50,000, when it is quite conceivable in

light of a recent Supreme Court ruling which relaxed the requirement for absolute mathematical equality in reapportionment, that the school board would only have to be enlarged by no more than four members.

The amendment seeks to allow for an orderly increase in the board's membership by having the legislative reapportionment commission, which is now meeting to reapportion legislative districts, to also reapportion the school board. Why should we retain the old legislative districts provided for the enlarged school board in the bill when we can prevent the confusion of different numbered districts and changed precinct lines by having a properly reapportioned school board conform to the new districts for the House and Senate? I would strongly recommend that we take full advantage of the data and expertise of the reapportionment commission members presently meeting and allow for a thorough, responsible reapportionment of our elected school board."

Representative Takamine then rose and spoke against the amendment, as follows:

"As stated in the Committee Report, your Committee on Education has held extensive hearings and has considered several proposals concerning the Board of Education. Your Committee, after due deliberation, decided against proposals contained in the amendment just offered.

For many years now, the Legislature and the Governor, together with our elective school board, have made a tremendous investment in education. We have collectively made education priority number one for the good of our children and as an investment for the future welfare of this State. Mr. Speaker, we have made this investment because the people of the State agreed with this program.

Every member of this Body should be familiar with the case of Representative Leopold, individually and on behalf of all the voters of the State of Hawaii, as plaintiff, versus the State of Hawaii and the Memorandum Decision rendered by Judge Pence. Both parties stipulated that the Board is malapportioned. The State requested that the Court give the 1973 Legislature an opportunity to develop a

plan that would comply with the applicable constitutional standards, subject, of course, to the retention of jurisdiction by the Court.

The State points out that if the Legislature should fail to produce a constitutionally satisfactory plan, the Court would still have sufficient time to assure that the 1974 general School Board election would be legally conducted. The Court has agreed. Therefore, it is important that this Legislature act on this matter.

This apportionment scheme was developed with the assistance of the Legislative Reference Bureau. There were no disagreements as to the constitutionality of this scheme during the hearings on this bill. H.B. No. 932, HD 1, will satisfy the Court and I urge every member of this Honorable Body to vote down this amendment."

The motion to adopt the amendment was put by the Chair and roll call having been requested, the amendment failed to carry by a vote of 30 noes to 21 ayes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Kato, Leopold, Medeiros, Poepoe, Saiki, Soares, Uechi, Wong, Yamada and Yim voting aye.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 932 passed Third Reading by a vote of 37 ayes to 14 noes, with Representatives Aduja, Ajifu, Aki, Carroll, W. Chong, Fong, J. Garcia, Hapai, Leopold, Medeiros, Oda, Poepoe, Saiki and Soares voting no.

The Chair directed the Clerk to note that H.B. No. 932 had passed Third Reading at 8:40 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 689) approving the intent and purpose of H.B. No. 1523 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 689 on H.B. No. 1523, as amended, was deferred until

tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 690) approving the intent and purpose of H.B. No. 870 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 690 on H.B. No. 870, as amended, was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 691) approving the intent and purpose of H.B. No. 1802 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 691 on H.B. No. 1802, as amended, was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 692) approving the intent and purpose of H.B. No. 1876 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 1876, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 693) approving the intent and purpose of H.B. No. 230 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 693 on H.B. No. 230 was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 694) approving the intent and purpose of H.B. No. 395 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 694 on H.B. No. 395, as amended, was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 695) approving the intent and purpose of H.B. No. 2024 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 H.B. No. 2024 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 696) approving the intent and purpose of H.B. No. 910 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 910, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 697) approving the intent and purpose of H.B. No. 114 and recommending its passage on Second Reading with certain amendments.

On motion by Representative King, seconded by Representative Roehrig and carried, the report of the Committee was adopted and H.B. No. 114, as amended, entitled: "A Bill for an Act relating to a record of State migration patterns" passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 698) approving the intent and purpose of H.B. No. 1151 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 698 on H.B. No. 1151 was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 699) approving the intent and purpose of H.B. No. 1490 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 699 on H.B. No. 1490 was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 700) approving the intent and purpose of H.B. No. 1299 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 700 on H.B. No. 1299, as amended, was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 701) approving the intent and purpose of H.B. No. 1194 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 701 on H.B. No. 1194, as amended, was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 702) approving the intent and purpose of H.B. No. 823 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 702 on H.B. No. 823, as amended, was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 703) approving the intent and purpose of H.B. No. 1336 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 703 on H.B. No. 1336 was deferred until tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 704) approving the intent and purpose of H.B. No. 674 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 704 on H.B. No. 674, as amended, was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 705) approving the intent and purpose of H.B. No. 297 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 705 on H.B. No. 297, as amended, was deferred until tomorrow, April 5, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 706) approving the intent and purpose of H.B. No. 131 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 706 on H.B. No. 131 was deferred until tomorrow, April 5, 1973.

The Chair directed the Clerk to note that H.B. Nos. 1876, 2024, 910 and 114 had passed Second Reading not later than 8:55 o'clock p.m.

The Chair then directed the Clerk to note that printed copies of H.B. No. 1523, HD 2; H.B. No. 870, HD 2; H.B. No. 1802, HD 1; H.B. No. 230, HD 1; H.B. No. 395, HD 1; H.B. No. 1151; H.B. No. 1490, HD 1; H.B. No. 1299, HD 1; H.B. No. 1194, HD 2; H.B. No. 823, HD 1; H.B. No. 1336; H.B. No. 674, HD 1; H.B. No. 297, HD 2 and H.B. No. 131 were made available to the members of the House at 8:55 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. 707) approving the intent and purpose of H.B. No. 1798 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 707 and H.B. No. 1798, HD 1, were recommitted to the Committee on Judiciary.

At 8:58 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 9:04 o'clock p.m., the House of Representatives reconvened.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 708) approving the intent and purpose of H.B. No. 498 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 498, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 709) approving the intent and purpose of H.B. No. 464 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 464 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 5, 1973.

The Chair directed the Clerk to note that H.B. Nos. 498 and 464 had passed Second Reading not later than 9:05 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 710)

approving the intent and purpose of H.B. No. 1635 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 710 on H.B. No. 1635, as amended, was deferred until tomorrow, April 5, 1973.

The Chair directed the Clerk to note that printed copies of H.B. No. 1635, HD 2, were made available to the members of the House at 9:05 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At 9:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 9:30 o'clock p.m., the House of Representatives reconvened.

#### DEFERRED MATTERS

Consideration of Stand. Com. Rep. No. 607 on H.B. No. 1515, as amended, 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 H.B. No. 1515, as amended, having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1515 had passed Third Reading at 9:33 o'clock p.m.

Consideration of Stand. Com. Rep. No. 597 on H.B. No. 91, as amended, which had been deferred to this time.

Representative Young moved that the report of the Committee be adopted and H.B. No. 91, as amended, having been read throughout, pass Third Reading, seconded by Representative Yuen.

Representative J. Garcia then inquired whether the Chairman of the Housing Committee would yield to questions to which Representative Young replied in the affirmative.

Representative J. Garcia then stated that Mayor Fasi, a few days ago, said that this measure is not required, is not

needed and is not wanted and inquired whether or not the Chairman of the Housing Committee agreed with that statement.

Representative Young replied that with the spiraling cost of homes and rentals, a bill such as House Bill No. 91 is sorely needed.

Representative J. Garcia questioned: "What areas are you referring to when you say this measure is needed?"

Representative Young stated that she disagrees with Mayor Fasi on this measure.

Representative J. Garcia then inquired whether the Legislative Reference Bureau or the House Attorneys were the author of this measure to which Representative Young responded that it was the House Attorneys.

Representative J. Garcia further inquired why a measure of such great importance was not referred to the Judiciary Committee for constitutional clarification, at least legal clarification.

Representative Wakatsuki then rose and, on a point of order, stated that the question was out of order inasmuch as the question of referrals rests with the Speaker's Office and not with the Chairman of the Housing Committee.

The Chair replied that the point was well taken.

Representative J. Garcia then referred Representative Young to Page 5, Section 2, subsection (1) of the bill and wanted an explanation as to how that particular rental picture was going to work.

Representative Young replied that it was the roll back prices that this measure would implement and that it would be rolled back to January 1, 1973.

Representative J. Garcia then inquired: "Assuming that this measure goes into effect, would every rental up to the time the measure becomes law be rolled back to January 1, 1973?"

Representative Young replied in the affirmative.

Representative J. Garcia then referred

Representative Young to Page 8, subsection (5) of Section 5 (Powers of the Mayor) and inquired whether or not a warrant would be required before any inspection is made.

Representative Young replied that no warrant is required but assumes that the Mayor would use his discretion.

Representative J. Garcia then stated that the measure does not call for any warrant but asked whether or not a warrant would be required to which Representative Young replied that she did not have the answer.

Representative J. Garcia then inquired whether or not, constitutionally, this has been checked out as to whether or not the Mayor or his agent would have the right to inspect any private home to which Representative Young replied that she did not have the answer.

Representative J. Garcia then directed Representative Young to Page 16, Section 17, wherein the County Corporation Counsel can bring civil action and inquired what exactly this entailed.

Representative Young replied that civil action may be instituted and further stated that many times laws are enacted but have no teeth and with this measure, it will be strong enough so that the law will not be violated.

Representative J. Garcia then inquired whether Representative Young considered a \$1,000 minimum fine up to \$10,000 for even a minimal violation as being decently tough or exceedingly tough.

Representative Young replied that a measure such as this would make landlords think twice before they violate the penalty section and that the measure is strong enough so that the landlords will be aware of this particular clause.

Representative J. Garcia then inquired whether or not this would border on confiscation of private property to which Representative Young replied that she did not have the answer.

Representative J. Garcia then directed Representative Young to Page 20, Section 666-43, subparagraph 4—"The landlord seeks in good faith to recover

possession of a dwelling unit for the purpose of immediately terminating for at least six months use of a dwelling unit as a dwelling unit” and wanted an explanation.

Representative Young replied that that section should have been deleted.

Representative J. Garcia then inquired what effect the deletion would have on the measure.

Representative Wakatsuki then rose and stated that he might be able to answer the question raised by the Minority Floor Leader and replied that the two sections were deleted in the existing law because it would be in conflict with the rest of the sections of this particular bill.

Representative J. Garcia then inquired whether or not the deletion of these two sections would make it mandatory for a landlord to remain in business whether he likes it or not.

Representative Wakatsuki replied that it does not mandate the particular landlord to be in business.

Representative J. Garcia then stated that there is a difference of opinion among attorneys and it was the Minority Attorney's contention that the deletion would be tantamount to forcing and compelling the landlord to remain in business against his will.

Representative J. Garcia then spoke against the measure.

Representative Medeiros rose and inquired whether the Chairman of the Housing Committee would yield to a question to which Representative Young replied in the affirmative.

Representative Medeiros then inquired: “Assuming that a person has a home on a lot and he is renting this home—is there any way in this bill that the Mayor is going to investigate what this person's mortgage is on that house before he regulates the rent?”

Representative Young replied that the bill states that the roll back price is to January 1, 1973, and if the landlord can justify his expenditures, he can go to the Mayor for justification to raise the rental

price.

Representatives Medeiros, Carroll, W. Chong, Soares and Uechi then spoke against the passage of House Bill No. 91.

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 spoke against the measure as follows:

“I have stated that this legislation is in its poorest form and let me tell you why:

1. The bill's effective date is upon passage, but rents are set as of January 1, 1973. This would entail a roll back on certain rents. Some will say this is needed but, let's face it, rents were already high and nowhere near a reasonable limit.

2. The bill recognizes a problem—that of high rents, but passes the buck for the implementation of rent controls to the mayors of the different counties.

3. The bill sets up procedures where the mayors of the counties become, in effect, judges for petitions to lower or raise rents must be filed with him. And if either party wants to appeal, then it is to the Supreme Court—a long and costly procedure. Traditionally, landlord-tenant disputes lie within the jurisdiction of the district courts.

4. The bill provides that two years after its approval, it will expire, presumably in mid 1975. Yet, it sets up elaborate procedures to allow landlords to increase rents come January 1, 1975.

5. We now come to the meat of the bill—the penalty section. Of these there are three and they are separate penalties and can all be imposed together. The first is a civil action brought by the county invoking a penalty of not less than \$1,000 or more than \$10,000 for each offense—each day being an offense.

The second is a civil action brought by the tenant and carries a minimum \$1,500 penalty.

The final penalty is a club—the

biggest club I have ever seen. It is a criminal action that carries a separate offense. Such monetary penalty is equivalent to a Class A felony under the Penal Code—rape, murder, etc. Crime like theft in the second degree, prostitution, negligent homicide in the second degree, carry less severe criminal penalties. Conceivably, a landlord who charges one cent more could incur a penalty of \$21,500 and one year in jail for each day of violation.

In view of such penalties, a landlord would be foolish to place his units on the market thereby decreasing the available units and as such expanding the housing crisis rather than help solving it.

6. Finally, we come to our old friend—the constitutionality of the bill. This bill contains no severability clause. The bill allows the mayors or their agents to enter any unit during reasonable hours—not entering with a probable cause that a crime is being committed or enter with a search warrant but simply enter the homes of people for no reason—purely unconstitutional.”

Representative Fong urged the members to vote against the measure and to initiate and pass legislation that will truly solve the housing crisis.

At this time, Representative J. Garcia moved to recommit House Bill No. 91, seconded by Representative Ajifu.

At 9:58 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 10:48 o'clock p.m., the House of Representatives reconvened.

Representative Kunimura then rose and spoke against the motion to recommit House Bill No. 91, stating that this is the easiest way out for those who are against the bill.

Representative J. Garcia then rose and spoke in favor of the motion to recommit.

The motion to recommit House Bill No. 91 was put by the Chair and the motion was defeated by a roll call vote of 21 ayes to 30 noes.

Representative Young then rose and

spoke for the passage of House Bill No. 91, as follows:

“Mr. Speaker, your Committee on Housing held public hearings on House Bill No. 91 and heard the numerous plight of residents experiencing the housing crisis. Since Federal decontrol of rental stabilization in January of this year, rentals have increased from 30% to 100% here on the island of Oahu.

Statistics have shown that 60% of the household in Hawaii are occupied by renters. It has also revealed that the hardest hit in the renters' market are the ones that can least afford the increase—the poor. It has also been stated that this group in many cases pay more than 40% of their income for shelter necessitating them to skimp on food and clothing. I believe excessive profits should not be made at the expense of human misery.

Mr. Speaker, I feel that House Bill No. 91, HD 2, is a fair bill, not a rigid one. It does not take unfair advantage of a landlord since rollback prices go to January of this year. They can also get a fair increase by justifying their expenditures. We realize and recognize the need for landlords and rental units, but we are also aware that rentals are rising more rapidly than wages and as legislators, we should not ignore the plight of our constituents.

I urge this Honorable Body to support this measure.”

Representatives Carroll, Wong, R. Garcia, Soares and Uechi spoke against the passage of House Bill No. 91 and Representative Roehrig spoke in favor thereof.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 91, as amended, passed Third Reading by a roll call vote of 29 ayes to 22 noes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Leopold, Medeiros, Oda, Poepoe, Saiki, Soares, Uechi, Wong, Yamada and Yim voting no.

The Chair directed the Clerk to note that H.B. No. 91 passed Third Reading at 11:17 o'clock p.m.

At 11:18 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.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 122 to 206) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 122) informing the House that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 90, as amended, and the request for a conference on the subject matter of said amendments, Senators Yamasaki, Chairman; Ching 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. 123) returning House Bill No. 12, HD 2, which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 124) returning House Bill No. 334, HD 1, which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 125) transmitting Senate Concurrent Resolution No. 55 commending and congratulating the Hawaii Army Reserves on their anniversary and for their achievements in community service projects which was adopted by the Senate on April 4, 1973, was placed on file.

By unanimous consent, S.C.R. No. 55 was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 126) transmitting Senate Bill No. 17, SD 2, entitled: "A Bill for an Act relating to the Board of Pardons and Paroles" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 127) transmitting Senate

Bill No. 18, SD 1, entitled: "A Bill for an Act relating to the rights of children, and amending the Hawaii Revised Statutes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 128) transmitting Senate Bill No. 34, SD 1, entitled: "A Bill for an Act relating to unfair and deceptive collection acts or practices" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 129) transmitting Senate Bill No. 37, SD 2, entitled: "A Bill for an Act relating to State population and planning" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 130) transmitting Senate Bill No. 56, SD 1, entitled: "A Bill for an Act relating to staffing for the Commission on the Year 2000" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 131) transmitting Senate Bill No. 59 entitled: "A Bill for an Act relating to maternity leave" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 132) transmitting Senate Bill No. 84, SD 1, entitled: "A Bill for an Act relating to bicycle equipment" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 133) transmitting Senate Bill No. 87 entitled: "A Bill for an Act relating to morbidity and mortality information for cancer research" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 134) transmitting Senate Bill No. 116 entitled: "A Bill for an Act relating to the Motor Vehicle Safety Responsibility Act" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 135) transmitting Senate

Bill No. 137, SD 1, entitled: "A Bill for an Act relating to employment security" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 136) transmitting Senate Bill No. 159, SD 2, entitled: "A Bill for an Act relating to contractors" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 137) transmitting Senate Bill No. 160, SD 2, entitled: "A Bill for an Act to regulate the practice of public accountancy in the public interest; to provide for a State Board of Public Accountancy and to prescribe its powers and duties; and to provide penalties for violation of the provisions of this act" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 138) transmitting Senate Bill No. 176, SD 2, entitled: "A Bill for an Act relating to dedication of land for ranching or agricultural use" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 139) transmitting Senate Bill No. 178, SD 2, entitled: "A Bill for an Act relating to disposition of public lands" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 140) transmitting Senate Bill No. 192 entitled: "A Bill for an Act relating to blue collar compensation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 141) transmitting Senate Bill No. 194 entitled: "A Bill for an Act relating to unauthorized disclosure of information by tax return preparers" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 142) transmitting Senate Bill No. 270, SD 1, entitled: "A Bill for an Act relating to the Research Corporation of the University of Hawaii" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 143) transmitting Senate Bill No. 284, SD 1, entitled: "A Bill for an Act relating to disqualification for additional unemployment compensation benefits" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 144) transmitting Senate Bill No. 331, SD 1, entitled: "A Bill for an Act relating to a pilot program on the disposal of liquid wastes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 145) transmitting Senate Bill No. 350, SD 1, entitled: "A Bill for an Act relating to the employees' retirement system" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 146) transmitting Senate Bill No. 362 entitled: "A Bill for an Act relating to compensation of loss suffered through certain condemnations of raw agricultural commodities" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 147) transmitting Senate Bill No. 371, SD 1, entitled: "A Bill for an Act relating to standards of conduct" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 148) transmitting Senate Bill No. 377, SD 2, entitled: "A Bill for an Act relating to anti-pollution projects and the issuance of revenue bonds for such projects" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 149) transmitting Senate Bill No. 385 entitled: "A Bill for an Act relating to mullet, catching and selling" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 150) transmitting Senate Bill No. 386, SD 1, entitled: "A Bill for an Act relating to claims for legislative relief" which passed Third Reading in the

Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 151) transmitting Senate Bill No. 402, SD 1, entitled: "A Bill for an Act relating to sewer use charges and real property taxation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 152) transmitting Senate Bill No. 569, SD 2, entitled: "A Bill for an Act relating to State chartered credit unions" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 153) transmitting Senate Bill No. 595, SD 1, entitled: "A Bill for an Act relating to historic preservation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 154) transmitting Senate Bill No. 623, SD 1, entitled: "A Bill for an Act relating to the University of Hawaii" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 155) transmitting Senate Bill No. 662, SD 1, entitled: "A Bill for an Act relating to the disposition of shore lands" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 156) transmitting Senate Bill No. 722, SD 1, entitled: "A Bill for an Act relating to failure to return a rental motor vehicle" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 157) transmitting Senate Bill No. 761 entitled: "A Bill for an Act relating to franchises" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 158) transmitting Senate Bill No. 816 entitled: "A Bill for an Act relating to officers of the Board of Veterinary Examiners" which passed

Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 159) transmitting Senate Bill No. 820 entitled: "A Bill for an Act relating to the Division of Weights and Measures of the Department of Agriculture" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 160) transmitting Senate Bill No. 822 entitled: "A Bill for an Act relating to workmen's compensation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 161) transmitting Senate Bill No. 873, SD 1, entitled: "A Bill for an Act relating to amending Chapter 94-6, Hawaii Revised Statutes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 162) transmitting Senate Bill No. 883, SD 2, entitled: "A Bill for an Act relating to physician-support personnel and physician's assistants" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 163) transmitting Senate Bill No. 887 entitled: "A Bill for an Act relating to the Hawaii Insurance Law" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 164) transmitting Senate Bill No. 896 entitled: "A Bill for an Act relating to the obtaining of information as to persons not registered to vote for use in compiling jury lists, including the levying of charges against such persons and the appropriation of the proceeds for the purposes of this act" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 165) transmitting Senate Bill No. 902, SD 1, entitled: "A Bill for an Act relating to the creation of district family courts" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 166) transmitting Senate Bill No. 908 entitled: "A Bill for an Act relating to counsel for indigent criminal defendants" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 167) transmitting Senate Bill No. 917 entitled: "A Bill for an Act relating to Junior Police Officers" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 168) transmitting Senate Bill No. 920, SD 2, entitled: "A Bill for an Act relating to the implementation of the Hawaii Correctional Master Plan" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 169) transmitting Senate Bill No. 929, SD 1, entitled: "A Bill for an Act relating to a management program for coastal zones" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 170) transmitting Senate Bill No. 964, SD 1, entitled: "A Bill for an Act relating to State parks, recreation areas and historic objects and sites and the establishment of a State park ranger corps" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 171) transmitting Senate Bill No. 965, SD 1, entitled: "A Bill for an Act relating to State parks, historical objects and sites, and outdoor recreation; rules and enforcement" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 172) transmitting Senate Bill No. 985 entitled: "A Bill for an Act relating to names" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 173) transmitting Senate Bill No. 987 entitled: "A Bill for an Act relating to certain antitrust class actions brought by the Attorney General on

behalf of the State" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 174) transmitting Senate Bill No. 993 entitled: "A Bill for an Act amending the Hawaiian Homes Commission Act, 1920, as amended" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 175) transmitting Senate Bill No. 1002, SD 1, entitled: "A Bill for an Act relating to the acquisition of land having value as a resource to the State" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 176) transmitting Senate Bill No. 1006, SD 1, entitled: "A Bill for an Act relating to planning and development of North Kohala" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 177) transmitting Senate Bill No. 1007 entitled: "A Bill for an Act relating to factory built housing" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 178) transmitting Senate Bill No. 1008 entitled: "A Bill for an Act relating to workmen's compensation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 179) transmitting Senate Bill No. 1014 entitled: "A Bill for an Act relating to savings and loan associations" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 180) transmitting Senate Bill No. 1017 entitled: "A Bill for an Act relating to security guards" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 181) transmitting Senate Bill No. 1024 entitled: "A Bill for an Act relating to grant for Civil Air Patrol" which passed Third Reading in the Senate

on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 182) transmitting Senate Bill No. 1029 entitled: "A Bill for an Act relating to college-credit equivalency" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 183) transmitting Senate Bill No. 1043, SD 1, entitled: "A Bill for an Act relating to workmen's compensation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 184) transmitting Senate Bill No. 1068 entitled: "A Bill for an Act relating to standards of conduct" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 185) transmitting Senate Bill No. 1076, SD 2, entitled: "A Bill for an Act relating to housing" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 186) transmitting Senate Bill No. 1100 entitled: "A Bill for an Act relating to real property taxes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 187) transmitting Senate Bill No. 1103, SD 1, entitled: "A Bill for an Act relating to the sale of securities" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 188) transmitting Senate Bill No. 1131, SD 2, entitled: "A Bill for an Act relating to temporary disability insurance" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 189) transmitting Senate Bill No. 1149, SD 1, entitled: "A Bill for an Act relating to employment security" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 190) transmitting Senate

Bill No. 1153 entitled: "A Bill for an Act relating to parking on school campuses" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 191) transmitting Senate Bill No. 1155, SD 1, entitled: "A Bill for an Act relating to the law of arrest under indorsed warrant" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 192) transmitting Senate Bill No. 1178 entitled: "A Bill for an Act relating to workmen's compensation" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 193) transmitting Senate Bill No. 1184, SD 2, entitled: "A Bill for an Act relating to real property tax law" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 194) transmitting Senate Bill No. 1205, SD 2, entitled: "A Bill for an Act relating to child services" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 195) transmitting Senate Bill No. 1206, SD 2, entitled: "A Bill for an Act relating to planning" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 196) transmitting Senate Bill No. 1228 entitled: "A Bill for an Act relating to State grants-in-aid for county capital improvement projects" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 197) transmitting Senate Bill No. 1254, SD 1, entitled: "A Bill for an Act relating to higher education" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 198) transmitting Senate Bill No. 1269, SD 1, entitled: "A Bill for an Act relating to planning and economic development" which passed Third Reading in the Senate on April 4,

1973, was placed on file.

A communication from the Senate (Sen. Com. No. 199) transmitting Senate Bill No. 1274, SD 1, entitled: "A Bill for an Act relating to legislative support" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 200) transmitting Senate Bill No. 1276, SD 1, entitled: "A Bill for an Act relating to State organization and administration" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 201) transmitting Senate Bill No. 1308, SD 1, entitled: "A Bill for an Act relating to public education" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 202) transmitting Senate Bill No. 1312, SD 1, entitled: "A Bill for an Act relating to podiatry" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 203) transmitting Senate Bill No. 1335, SD 1, entitled: "A Bill for an Act relating to sand mining and amending Chapters 171 and 205, Hawaii Revised Statutes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 204) transmitting Senate Bill No. 1364, SD 1, entitled: "A Bill for an Act relating to weights and measures

and packaging and labeling; and amending Chapter 486, Hawaii Revised Statutes" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 205) transmitting Senate Bill No. 1382, SD 1, entitled: "A Bill for an Act relating to the security guards of the State of Hawaii" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 206) transmitting Senate Bill No. 1386 entitled: "A Bill for an Act relating to the lapsing of appropriations" which passed Third Reading in the Senate on April 4, 1973, was placed on file.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, S.B. Nos. 17, 18, 34, 37, 56, 59, 84, 87, 116, 137, 159, 160, 176, 178, 192, 194, 270, 284, 331, 350, 362, 371, 377, 385, 386, 402, 569, 595, 623, 662, 722, 761, 816, 820, 822, 873, 883, 887, 896, 902, 908, 917, 920, 929, 964, 965, 985, 987, 993, 1002, 1006, 1007, 1008, 1014, 1017, 1024, 1029, 1043, 1068, 1076, 1100, 1103, 1131, 1149, 1152, 1155, 1178, 1184, 1205, 1206, 1228, 1254, 1269, 1274, 1276, 1308, 1312, 1335 and 1364 passed First Reading by title and further action was deferred until tomorrow, April 5, 1973.

At 11:26 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 5, 1973.

## 55TH DAY

Thursday, April 5, 1973

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, was called to order at 11:00 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by Mr. Jay Jarman of Kalihi Union Church.

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-Fourth 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-Fourth Day was approved.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 207 to 213) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 207) transmitting Senate Concurrent Resolution No. 58 which was adopted by the Senate this day was placed on file.

A communication from the Senate (Sen. Com. No. 208) transmitting Senate Concurrent Resolution No. 59 which was adopted by the Senate this day was placed on file.

A communication from the Senate (Sen. Com. No. 209) transmitting Senate Concurrent Resolution No. 60 which was adopted by the Senate this day was placed on file.

By unanimous consent, S.C.R. Nos. 58, 59 and 60 were placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 210) returning House Bill No. 18, HD 1, which passed Third Reading in the Senate in an amended form on April 5, 1973 was placed on file.

A communication from the Senate (Sen. Com. No. 211) returning House Bill No. 132 which passed Third Reading in the Senate in an amended form on April 5, 1973 was placed on file.

A communication from the Senate (Sen. Com. No. 212) returning House Bill No. 166, HD 1, which passed Third Reading in the Senate in an amended form on April 5, 1973 was placed on file.

A communication from the Senate (Sen. Com. No. 213) returning House Bill No. 200 which passed Third Reading in the Senate in an amended form on April 5, 1973 was placed on file.

By unanimous consent, H.B. Nos. 18, HD 1, 132, 166, HD 1 and 200, 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. 18, HD 1, SD 1, H.B. No. 132, SD 1, H.B. No. 166, HD 1, SD 1 and H.B. No. 200, SD 1 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.

At 11:08 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 11:22 o'clock a.m., the House of Representatives reconvened.

### ORDER OF THE DAY

#### COMMITTEE REFERRALS

The following bills were disposed of as follows:

S.B. No. 17 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 18 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 34 was referred to the Committee on Consumer Protection.

S.B. No. 37 was referred to the Committee on Finance.

S.B. No. 56 was referred to the Committee on Finance.

S.B. No. 59 was referred to the Committee on Public Employment and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 84 was referred to the Committee on Transportation.

S.B. No. 87 was referred to the Committee on Judiciary.

S.B. No. 116 was referred to the Committee on Judiciary.

S.B. No. 137 was referred to the Committee on Judiciary.

S.B. No. 159 was referred to the Committee on Judiciary.

S.B. No. 160 was referred to the Committee on Judiciary.

S.B. No. 176 was referred to the Committee on Water, Land Use and Development.

S.B. No. 178 was referred to the Committee on Water, Land Use and Development.

S.B. No. 192 was referred to the Committee on Finance.

S.B. No. 194 was referred to the Committee on Finance.

S.B. No. 270 was referred to the Committee on Higher Education and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 284 was referred to the Committee on Labor and Employment and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 331 was referred to the Committee on Environmental Protection and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 350 was referred to the Committee on Finance.

S.B. No. 362 was referred to the Committee on Agriculture and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 371 was referred to the Committee on Judiciary.

S.B. No. 377 was referred to the Committee on Finance.

S.B. No. 385 was referred to the Committee on Judiciary.

S.B. No. 386 was referred to the Committee on Finance.

S.B. No. 402 was referred to the Committee on Finance.

S.B. No. 569 was referred to the Committee on Finance.

S.B. No. 595 was referred to the Committee on Judiciary.

S.B. No. 623 was referred to the Committee on Higher Education and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 662 was referred to the Committee on Water, Land Use and Development.

S.B. No. 722 was referred to the Committee on Judiciary.

S.B. No. 761 was referred to the Committee on Consumer Protection and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 816 was referred to the Committee on Judiciary.

S.B. No. 820 was referred to the Committee on Agriculture.

S.B. No. 822 was referred to the Committee on Judiciary.

S.B. No. 873 was referred to the Committee on Finance.

S.B. No. 883 was referred to the Committee on Health and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 887 was referred to the Committee on Judiciary.

S.B. No. 896 was referred to the Committee on Judiciary.

S.B. No. 902 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 908 was referred to the Committee on Finance.

S.B. No. 917 was referred to the Committee on Finance.

S.B. No. 920 was referred jointly to the Committee on Corrections and Rehabilitation and the Committee on Judiciary.

S.B. No. 929 was referred to the Committee on Finance.

S.B. No. 964 was referred to the Committee on Parks, Fish and Game Management and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 965 was referred to the Committee on Parks, Fish and Game Management and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 985 was referred to the Committee on Judiciary.

S.B. No. 987 was referred to the Committee on Judiciary.

S.B. No. 993 was referred to the Committee on Finance.

S.B. No. 1002 was referred to the Committee on Water, Land Use and Development and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 1006 was referred to the Committee on Finance.

S.B. No. 1007 was referred to the Committee on Housing.

S.B. No. 1008 was referred to the Committee on Finance.

S.B. No. 1014 was referred to the Committee on Judiciary.

S.B. No. 1017 was referred to the Committee on Judiciary.

S.B. No. 1029 was referred to the Committee on Higher Education.

S.B. No. 1043 was referred to the Committee on Labor and Employment.

S.B. No. 1068 was referred to the Committee on Judiciary.

S.B. No. 1076 was referred to the Committee on Housing and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 1100 was referred to the Committee on Finance.

S.B. No. 1103 was referred to the Committee on Judiciary.

S.B. No. 1131 was referred to the Committee on Labor and Employment and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 1149 was referred to the Committee on Labor and Employment and after consideration by it, the Committee was instructed to refer the bill to the Committee on Judiciary.

S.B. No. 1153 was referred to the Committee on Education.

S.B. No. 1155 was referred to the Committee on Judiciary.

S.B. No. 1178 was referred to the Committee on Judiciary.

S.B. No. 1184 was referred to the Committee on Finance.

S.B. No. 1205 was referred to the Committee on Health and after consideration by it, the Committee was instructed to refer the bill to the

Committee on Finance.

S.B. No. 1206 was referred to the Committee on Environmental Protection.

S.B. No. 1228 was referred to the Committee on Finance.

S.B. No. 1254 was referred to the Committee on Higher Education and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 1269 was referred to the Committee on Judiciary.

S.B. No. 1274 was referred to the Committee on Finance.

S.B. No. 1276 was referred to the Committee on Finance.

S.B. No. 1308 was referred to the Committee on Education.

S.B. No. 1312 was referred to the Committee on Finance.

S.B. No. 1335 was referred to the Committee on Water, Land Use and Development.

S.B. No. 1364 was referred to the Committee on Agriculture.

S.B. No. 1382 was referred to the Committee on Judiciary.

S.B. No. 1386 was referred to the Committee on Finance.

S.B. No. 1024 was placed on the Clerk's desk.

#### DEFERRED RESOLUTIONS

By unanimous consent, H.R. Nos. 460 to 472 and H.C.R. No. 116 were placed on the Clerk's desk.

#### COMMITTEE REASSIGNMENT

H.B. No. 438 which was referred to the Committee on Public Employment and to the Committee on Finance on January 29, 1973, was referred solely to the Committee on Public Employment.

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the

Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 711) informing the House that Standing Committee Report Nos. 665 to 710, House Resolution Nos. 442 to 472, House Concurrent Resolution Nos. 107 to 116, and Standing Committee Report Nos. 712 to 723 had been printed and distributed.

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

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 712) approving the intent and purpose of H.B. No. 220, HD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of H.B. No. 220, as amended, was deferred until tomorrow, April 6, 1973.

The Chair directed the Clerk to note that printed copies of H.B. No. 220, HD 2 were made available to the members of the House at 11:23 o'clock a.m., in accordance with Article III, Section 16 of the Constitution of the State of Hawaii.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 713) approving the intent and purpose of H.R. No. 383 and recommending its referral to the Committee on Finance.

Representative Suwa moved to waive referral of H.R. No. 383 to the Committee on Finance, seconded by Representative Akizaki and carried.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 383 be referred to the Committee on Finance, H.R. No. 383 was adopted.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 714) approving the intent and purpose of H.R. No. 384 and recommending its referral to the

Committee on Finance.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 384 was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 715) approving the intent and purpose of H.C.R. No. 105 and recommending its referral to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.C.R. No. 105 was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 716) approving the intent and purpose of H.R. No. 195 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 716 on H.R. No. 195 was deferred until the end of the calendar.

Representative Wasai, for the Committee on Parks, Fish and Game Management, presented a report (Stand. Com. Rep. No. 717) approving the intent and purpose of H.C.R. No. 102 and recommending its adoption.

On motion by Representative Wasai, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 102 was adopted.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 718) approving the intent and purpose of H.B. No. 1807, HD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1807, as amended, passed Second

Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 719) approving the intent and purpose of H.B. No. 1043 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1043, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that H.B. Nos. 1807, HD 2 and 1043, HD 1 had passed Second Reading at 11:23 o'clock a.m.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 720) approving the intent and purpose of H.B. No. 605, HD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 720 on H.B. No. 605, as amended, was deferred until tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 721) approving the intent and purpose of H.B. No. 1087 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 721 on H.B. No. 1087, as amended, was deferred until tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 722) approving the intent and purpose of H.B. No. 1508 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 722 on H.B. No. 1508 was deferred until tomorrow, April

6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 723) approving the intent and purpose of H.B. No. 82, HD 1 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 723 on H.B. No. 82, HD 1 was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. Nos. 605, HD 2, 1087, HD 1, 1508 and 82, HD 1 were made available to the members of the House at 11:23 o'clock a.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At 11:32 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 1:42 o'clock p.m., the House of Representatives reconvened.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 724) approving the intent and purpose of H.B. No. 438, HD 1 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 724 on H.B. No. 438, HD 1 was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. No. 438, HD 1 were made available to the members of the House at 1:46 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 473 to 480) were read by the Clerk and disposed of as follows:

A resolution (H.R. No. 473) congratulating Jill Hiroko Matsui for being selected as the 1973 Cherry Blossom Queen was jointly offered by Representatives Oda, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong,

W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Oda, seconded by Representative Lunasco and carried, H.R. No. 473 was adopted.

A resolution (H.R. No. 474) congratulating and extending best wishes to the Cherry Blossom Queen's court and commending the Honolulu Japanese Junior Chamber of Commerce for the successful 1973 Cherry Blossom Festival was jointly offered by Representatives Morioka, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Morioka, seconded by Representative Ushijima and carried, H.R. No. 474 was adopted.

At this time, Jill Hiroko Matsui, 1973 Cherry Blossom Queen, and her court were introduced to the members of the House.

A resolution (H.R. No. 475) extending aloha and best wishes to the Nisei Week Queen and her court was jointly offered by Representatives Ushijima, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Lee, Leopold, Medeiros, Medina, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative

Ushijima, seconded by Representative Ushijima and carried, H.R. No. 475 was adopted.

At this time, Representative Ushijima introduced to the members of the House the Nisei Week Queen and the members of her court.

A resolution (H.R. No. 476) congratulating the Palama Settlement "Scorpions" bantam basketball team for being the undefeated champions of 1973 was jointly offered by Representatives Wong, Aduja, Aki, Akizaki, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, Iha, Kato, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Wasai, Wedemeyer, Yamada, Yap, Yim, Young and Yuen.

On motion by Representative Wong, seconded by Representative R. Garcia and carried, H.R. No. 476 was adopted.

A resolution (H.R. No. 477) congratulating the Palama Settlement "Scorpions" on winning the Oahu Pop Warner Bantam Football Conference championship was jointly offered by Representatives Wong, Aduja, Aki, Akizaki, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, Iha, Kato, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Wasai, Wedemeyer, Yamada, Yap, Yim, Young and Yuen.

On motion by Representative Wong, seconded by Representative R. Garcia and carried, H.R. No. 477 was adopted.

A resolution (H.R. No. 478) extending aloha and welcome to prep basketball star Richard Washington was jointly offered by Representatives Kimura, Aduja, Ajifu, Aki, Akizaki, Carroll, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Kihano, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, O'Connor, Roehrig, Saiki, Sakima, Takamine, Uechi, Wakatsuki, Wasai, Wedemeyer, Yamada, Yap, Young, Yuen and Beppu.

On motion by Representative Kimura,

seconded by Representative Kishinami and carried, H.R. No. 478 was adopted.

A resolution (H.R. No. 479) wishing Reverend Frank Chong a speedy recovery and extending an open invitation to Reverend Chong to reappear before the Legislature upon confirmation of his recovery was jointly offered by Representatives Beppu, Soares, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medina, Nakama, O'Connor, Oda, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Ushijima, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim and Yuen.

On motion by Representative Ushijima, seconded by Representative Soares and carried, H.R. No. 479 was adopted.

A resolution (H.R. No. 480) commending the Hawaii Chapter of the National Railway Historical Society, Inc., for its restoration of the first steam locomotive in the State of Hawaii was jointly offered by Representatives Aki, Aduja, Ajifu, Akizaki, Amaral, Carroll, W. Chong, Cobb, de la Cruz, Fong, R. Garcia, Hapai, Kato, Kihano, Kimura, King, Kishinami, Kondo, Lee, Leopold, Lunasco, Medeiros, Medina, Oda, Poepoe, Roehrig, Saiki, Soares, Suwa, Uechi, Wasai, Wong, Yap, Yim, Young and Yuen.

On motion by Representative Aki, seconded by Representative Oda and carried, H.R. No. 480 was adopted.

By unanimous consent, the following resolution (H.R. No. 481) was referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 6, 1973:

A resolution (H.R. No. 481) requesting the preservation of Kaiaka Point as a Park was jointly offered by Representatives Oda, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Leopold, Lunasco, Medeiros, Medina, Nakama, Poepoe, Saiki, Soares, Takamine, Uechi, Wedemeyer, Yamada, Yim and Yuen.

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

By unanimous consent, S.C.R. No. 55 was taken from the Clerk's desk.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, S.C.R. No. 55 was adopted.

### SUSPENSION OF RULES

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

### THIRD READING

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

Third Reading of H.B. No. 68.

On motion by Representative Roehrig, seconded by Representative Medina, H.B. No. 68 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1385.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1385 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1910.

Representative Fong rose and stated that he has interest in an investment company and asked the Chair for a ruling as to whether or not there is a conflict of interest. The Chair declared that there is no conflict of interest and Representative Fong was not excused from voting on the measure.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1910 passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Aduja and W. Chong voting no.

Third Reading of H.B. No. 1849.

Representative Wakatsuki rose and

stated that he is an attorney and represents a savings and loan association and asked the Chair for a ruling as to whether or not there is a conflict of interest. The Chair declared that there is no conflict of interest and Representative Wakatsuki was not excused from voting on the measure.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1849 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1845.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1845 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1856.

Representative O'Connor moved that H.B. No. 1856 pass Third Reading, seconded by Representative Kimura.

Representative O'Connor rose and spoke in favor of the measure as follows:

"Too long has Hawaii gone without having adequate laws to protect against shoplifters. Testimony before your Judiciary Committee indicates that the merchants of Hawaii are losing in excess of \$20 million a year to shoplifters. This amount of money, Mr. Speaker, is being passed on to the consumer of this State. Therefore, the cost of every item sold in the retail business of this State is exceedingly multiplied by the shoplifting situation.

Mr. Speaker, the previous bill we just passed, House Bill No. 1845, HD 1, goes to the civil part of this problem, adopting for Hawaii a law which has already been tested in Arkansas. The bill which is before this Body at this time, House Bill No. 1856, HD 1, goes to the criminal part of this session, modifying our penal code in the theft area and it would adopt a law which has been proven satisfactory in Virginia. For these reasons, I urge my honorable colleagues to help stamp out shoplifting in this State by voting 'aye' on this bill."

The motion was put by the Chair and H.B. No. 1856 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Aduja voting no.

Third Reading of H.B. No. 1539.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1539 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 807.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 807 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 901.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 901 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Aduja voting no.

Third Reading of H.B. No. 1860.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1860 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 661.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 661 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 1634.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1634 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 2030.

Representative O'Connor moved that H.B. No. 2030 pass Third Reading, seconded by Representative Kimura.

Representative O'Connor rose and spoke in favor of the measure as follows:

"We have a situation existing in our community today, Mr. Speaker, which has to do with the sale of options on commodity future contracts. There have been several articles in the newspaper recently exposing to the public the problems involved in this type of speculation. This speculation, Mr. Speaker, has gone unchecked in our community until this time. It is necessary

that we protect our community and the consumers in the community from speculation of this nature.

Too often in the past has speculation of this nature resulted in tremendous law suits to the individuals here and in other places. We know that several companies dealing in this type of option have gone bankrupt in California, resulting in tremendous law suits just within the last few months. For that reason, Mr. Speaker, to protect the consumer and the buyers in our State, I urge that the various members of this Body vote 'aye' on House Bill No. 2030, HD 1."

Representative Carroll rose and spoke in favor of the bill as follows:

"The options on commodity futures contracts is an area that is not well understood by the people who are involved in this sale. The community in large is ignorant in this particular field. I think that the dangers to the society or to our community by these types of transactions need to be made known. I do not believe that this bill goes really far enough to regulate this particular type of activity. I think that the \$100,000 capitalization requirement is not going to really serve as a protection to the people who are attempting to invest in this particular field. I trust that we will be able to have a much stronger bill than H.B. No. 2030, HD 1 in the coming year."

The motion to pass H.B. No. 2030 on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Aduja voting no.

Third Reading of H.B. No. 153.

By unanimous consent, consideration of H.B. No. 153 on Third Reading was deferred until the end of the calendar.

Third Reading of S.B. No. 97.

Representative O'Connor moved that S.B. No. 97 pass Third Reading, seconded by Representative Kimura.

Representative Amaral rose and spoke against the bill stating that he did not believe that women will appreciate being placed in the category of being ill when pregnant.

Representative Saiki rose and spoke for the bill as follows:

“Pregnancy need not be considered an illness; but when a women is pregnant and there are related conditions which make her feel ill or she is temporarily disabled, such as in the case of an interrupted pregnancy which could be a miscarriage, then I think these conditions should be considered as temporary disabilities. Certainly a woman should receive some financial assistance through TDI. This will just equalize her ability to compensate for her temporary condition. I urge everyone to vote in support of the measure.”

The motion to pass S.B. No. 97 on Third Reading was put by the Chair and carried by a roll call vote of 43 ayes to 8 noes, with Representatives Ajifu, Amaral, Hapai, Oda, Poepoe, Soares, Wasai and Wong voting no.

Third Reading of S.B. No. 134.

On motion by Representative O’Connor, seconded by Representative Kimura, H.B. No. 134 passed Third Reading by a vote of 51 ayes.

Third Reading of H.B. No. 706.

On motion by Representative O’Connor, seconded by Representative Kimura, H.B. No. 706 passed Third Reading by a vote of 51 ayes.

The Chair here directed the Clerk to note that H.B. Nos. 68, 1385, 1910, 1849, 1845 and 1856 had passed Third Reading no earlier than 1:51 o’clock p.m. and that H.B. Nos. 1539, 807, 901, 1860, 661, 1634, 2030, S.B. Nos. 97 and 134 and H.B. No. 706 had passed Third Reading no earlier than 2:04 o’clock p.m.

#### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 640 on H.B. No. 991, 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 H.B. No. 991 passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 641 on H.B. No. 167, 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 roll call having been requested, H.B. No. 167 passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Aduja, Ajifu, Aki, Amaral, W. Chong, Cobb, Fong, J. Garcia, Medeiros, Oda, Poepoe, Saiki and Soares voting no.

Consideration of Stand. Com. Rep. No. 642 on H.B. No. 645 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 H.B. No. 645 passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 643 on H.B. No. 479 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 H.B. No. 479 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Wasai voting no.

Consideration of Stand. Com. Rep. No. 644 on H.B. No. 577 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 H.B. No. 577 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Saiki voting no.

Consideration of Stand. Com. Rep. No. 645 on H.B. No. 660, as amended, which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 645 on H.B. No. 660 was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 656 on H.B. No. 562, 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 H.B. No. 562, as amended, passed Third Reading by a vote of 51 ayes.

The Chair here directed the Clerk to note that H.B. No. 991 had passed Third Reading no earlier than 2:04 o'clock p.m. and that H.B. Nos. 167, 645, 479, 577 and 562 had passed Third Reading no earlier than 2:11 o'clock p.m.

At 2:15 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 4:00 o'clock p.m. this afternoon.

#### AFTERNOON SESSION

The House of Representatives reconvened at 4:20 o'clock p.m.

#### COMMITTEE REFERRALS

The following bills (S.B. Nos. 350 and 377) were disposed of as follows:

S.B. No. 350 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

S.B. No. 377 was referred to the Committee on Environmental Protection and after consideration by it, the Committee was instructed to refer the bill to the Committee on Finance.

#### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 447 to 459) were disposed of as follows:

H.R. No. 447 was referred to the Committee on Agriculture.

H.R. No. 448 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 449 was referred to the Committee on Public Employment and after consideration by it, the Committee was instructed to refer the resolution to

the Committee on Finance.

H.R. No. 450 was referred to the Committee on Higher Education and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 451 was referred jointly to the Committee on Education and to the Committee on Higher Education and after consideration by them, the Committees were instructed to refer the resolution to the Committee on Finance.

H.R. No. 452 was referred to the Committee on Consumer Protection and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 453 was referred to the Committee on Agriculture and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 454 was referred to the Committee on Federal-State-County and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Judiciary.

H.R. No. 455 was referred to the Committee on Human Rights and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Judiciary.

H.R. No. 456 was referred to the Committee on Finance.

H.R. No. 457 was referred to the Committee on Health and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Labor and Employment.

H.R. No. 458 was referred to the Committee on Public Employment and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 459 was referred to the Committee on Environmental Protection and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Water, Land Use and Development.

**THIRD READING**

Third Reading of H.B. No. 900.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 900, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives R. Garcia, Iha and Young being excused.

**UNFINISHED BUSINESS**

Consideration of Stand. Com. Rep. No. 672 on H.B. No. 1770, 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 H.B. No. 1770, as amended, passed Third Reading by a vote of 48 ayes, with Representatives R. Garcia, Iha and Young being excused.

Consideration of Stand. Com. Rep. No. 673 on H.B. No. 1088 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 H.B. No. 1088 passed Third Reading by a vote of 48 ayes, with Representatives R. Garcia, Iha and Young being excused.

Consideration of Stand. Com. Rep. No. 674 on H.B. No. 306 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 H.B. No. 306 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 675 on H.B. No. 1769 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 H.B. No. 1769 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 676 on H.B. No. 196 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 H.B. No. 196 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 678 on H.B. No. 1883 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 H.B. No. 1883 passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Aduja, J. Garcia and Saiki voting no and Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 679 on H.B. No. 219 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 H.B. No. 219 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 680 on H.B. No. 579 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 H.B. No. 579 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Wasai voting no and Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 682 on H.B. No. 2026 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 H.B. No. 2026 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia

and Young being excused.

Consideration of Stand. Com. Rep. No. 683 on H.B. No. 389, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and that H.B. No. 389, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Medeiros rose and spoke for the passage of H.B. No. 389 on Third Reading as follows:

"We in this Body have long been concerned over the questionable planning process over the use or misuse of our land over the past decade. It was because of our concern that the Land Use Commission, the general plan, and the overview study were initiated, and it is because of that concern that I rise to speak in favor of this bill.

There is no doubt that we must provide our community with new housing complexes, apartments and office buildings to meet our growing needs but, at the same time, we must act with reason to preserve our open spaces and the beauty of our heritage.

Mr. Speaker, the bill we consider today will provide an additional check on reckless speculation by requiring that petitions disapproved by the Land Use Commission cannot be filed for a year. Under the present system, repeated applications for zoning changes have the effect of wearing down community resistance to unwanted land development and to allow changes to occur by default.

In addition, the overwhelming cost to county and State government has been an excessive burden. Community interest and action are the strongest weapons against assault to our open space."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 389 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 685 on H.B. No. 103, 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 H.B. No. 103 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 686 on H.B. No. 478, 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 H.B. No. 478 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

Consideration of Stand. Com. Rep. No. 687 on H.B. No. 636, which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 687 on H.B. No. 636 was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 688 on S.B. No. 121, 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. 121 passed Third Reading by a vote of 49 ayes, with Representatives R. Garcia and Young being excused.

The Chair directed the Clerk to note that H.B. Nos. 900, 1770, 1088, 306, 1769, 196, 1883, 219, 579, 2026, 389, 103, 478, 366 and S.B. No. 121 had passed Third Reading no earlier than 4:28 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 725) approving the intent and purpose of H.B. No. 7 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 H.B. No. 7

passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 726) approving the intent and purpose of H.B. No. 59 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 59, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 727) approving the intent and purpose of H.B. No. 188 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 727 on H.B. No. 188, as amended, was deferred until tomorrow, April 6, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 728) approving the intent and purpose of H.B. No. 50 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 728 on H.B. No. 50, as amended, was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. Nos. 188, HD 1 and 50, HD 2 were made available to the members of the House at 5:00 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

#### STANDING COMMITTEE REPORTS

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 725) approving the intent and purpose of H.B. No. 7 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 H.B. No. 7 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 726) approving the intent and purpose of H.B. No. 59 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 59, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 727) approving the intent and purpose of H.B. No. 188 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 727 on H.B. No. 188, as amended, was deferred until tomorrow, April 6, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 728) approving the intent and purpose of H.B. No. 50 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 728 on H.B. No. 50, as amended, was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. Nos. 188, HD 1 and 50, HD 2 were made available to the members of the House at 5:00 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. 729) approving the intent and purpose of H.B.

No. 1851 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1851, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 730) approving the intent and purpose of H.B. No. 1850 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1850, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 731) approving the intent and purpose of S.B. No. 1283, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1283, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 732) approving the intent and purpose of S.B. No. 1295, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1295, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

At 5:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:25 o'clock p.m., the House of Representatives reconvened.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 733) approving the intent and purpose of H.B. No. 656, HD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 733 on H.B. No. 656, as amended, was deferred until tomorrow, April 6, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 734) approving the intent and purpose of H.B. No. 60 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 60, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 735) approving the intent and purpose of H.B. No. 1877, HD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 735 on H.B. No. 1877, as amended, was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that H.B. No. 60, HD 1 passed Second Reading at 5:02 o'clock p.m.

The Chair also directed the Clerk to note that printed copies of H.B. Nos. 656, HD 2 and 1877, HD 2 were made available to the members of the House at 5:02 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. 736) approving the intent and purpose of H.B. No. 1089, HD 1 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 736 on H.B. No. 1089, HD 1 was deferred until tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. No. 1089, HD 1 were made available to the members of the House at 5:25 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At 5:26 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. this evening.

#### EVENING SESSION

The House of Representatives reconvened at 10:23 o'clock p.m.

#### STANDING COMMITTEE REPORT

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 737) approving the intent and purpose of S.B. No. 1227, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1227, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 6, 1973.

The Chair here directed the Clerk to note that S.B. No. 1227, SD 1, HD 1 had passed Second Reading at 10:20 o'clock p.m.

#### THIRD READING

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

Third Reading of H.B. No. 1876.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 1876 was recommitted to the Committee on Finance.

Third Reading of H.B. No. 2024.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 2024 passed Third Reading by a vote of 44 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Lee, Leopold and Oda being excused.

Third Reading of H.B. No. 910.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 910 passed Third Reading by a vote of 44 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Lee, Leopold and Oda being excused.

Third Reading of H.B. No. 114.

On motion by Representative King, seconded by Representative Medina and carried, H.B. No. 114 was recommitted to the Committee on Environmental Protection.

Third Reading of H.B. No. 498.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 498 passed Third Reading by a vote of 44 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Lee, Leopold and Oda being excused.

Third Reading of H.B. No. 464.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 464 passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

#### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 689 on H.B. No. 1523, 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. 1523, as amended, passed Third Reading by a vote of 44 ayes to 1 no, with Representative Hapai voting no and Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 690 on H.B. No. 870, 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. 870, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused..

Consideration of Stand. Com. Rep. No. 691 on H.B. No. 1802, 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. 1802, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 693 on H.B. No. 230, 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 H.B. No. 230 passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 694 on H.B. No. 395, 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 H.B. No. 395, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 698 on H.B. No. 1151, 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. 1151 passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 699 on H.B. No. 1490, 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. 1490 passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 700 on H.B. No. 1299, 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. 1299, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 701 on H.B. No. 1194, 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. 1194, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 702 on H.B. No. 823, as amended, which had been deferred to this day.

Representative Suwa moved that H.B. No. 823, as amended, pass Third Reading seconded by Representative Akizaki.

Representative Kimura rose and spoke in favor of the bill as follows:

“I rise in strong support of House Bill

823, HD 1 on the College Opportunities Program. Many individuals testified in support of this bill, one of whom was Colette Machado, a third year student in the program. Colette was a high school dropout who was given a chance by the College Opportunities Program. She worked her way through at the University, Manoa Campus, and is now a junior in the College of Education. Recently, Miss Machado was named the recipient of the Wah Kah Kong Memorial Scholarship to continue her studies. Miss Machado emphasized in her testimony that she made many lasting friends while in this educational program that requires living on campus. She said that this chance to be free from the hassles of living below the poverty level was mentally encouraging. She was able to concentrate, to study to meet others with similar and different kinds of backgrounds—in short, to be a college student. Living in, a distinct feature of the program, helped her learn.

Another person who appeared before us was Charles Kim who dropped out during his senior year at Farrington High School. After wandering around and working as a dishwasher, he went into the army and received training in warehouse management. He tried to find a job and was told he needed special skills and more education. He decided to study technical illustration. He heard about college opportunities from his brother. He followed the program, entered it, and has already earned 16 credits in regular freshman courses with a most commendable grade average. He wants to get a degree in social sciences and eventually go to law school.

These students were not the only witnesses on this bill. Mrs. Anna Wahinehookae, the mother of two girls in College Opportunities, said that when her daughters entered this program, she could not believe that the government was interested in her children. She said that this educational program helped her help her children attain a higher education. Her girls participated in dormitory and campus activities. They liked intramural sports, learned discipline, and good sportsmanship. Most important, she said, they learned how to get along with people.

This aspect of the program was always stressed by Mrs. Doris Bitner, who is now

program coordinator on the Manoa Campus. Educational supervisors of the students also said that those in the program were given real alternatives in their education and future lives. They spoke warmly about the kind of learning that occurred through counseling, advising and combinations of financial assistance that had been given. Most of all, they emphasized the give-and-take, the warmth, the closeness and personal encouragement experienced once selected into the program.

I select these people who spoke before your Committee as ideal types. They exemplify for me and members of your Committee what can be done when a program which is jeopardized by past funding, needs and indeed, warrants state commitment. In hearing the varied statements on this bill, your Committee recommended that this program be given a very high priority.

I am well aware of the financial constraints faced by the State. I am also aware of the problems faced in considering the University and its budget. However, I speak with people in mind. People make, create, vote for and amend policy and educational policy. Many kinds of people are affected by both fiscal and educational policy.

Mr. Speaker, I ask that these people—the varied kinds I have described for you—and the kinds who sit with us tonight—be considered. The votes on the floor tonight will be a stand for these kinds of figures. They are as important as fiscal notations, the dollar sums, the monies recommended by your Committee on Finance. It is with these people, these figures in mind, and it is in the generous spirit of Ohana and Aloha that I strongly urge passage of this bill.”

The motion to pass H.B. No. 823, as amended, on Third Reading was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 823, as amended, passed Third Reading by a vote of 45 ayes, with Representatives Ajifu, Aki, Carroll, W. Chong, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 703 on H.B. No. 1336, which was deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 703 and H.B. No. 1336 were recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 704 on H.B. No. 674, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 704 and H.B. No. 674, HD I were recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 705 on H.B. No. 297, as amended, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and that H.B. No. 297, as amended, pass Third Reading, seconded by Representative Kimura.

Representative J. Garcia rose and spoke against the passage of H.B. No. 297 by stating that this measure may become very divisive insofar as family relations between children and parents and expressed his concern that since the bill provides that a minor who consents to or requests the services provided for under this chapter shall assume the financial responsibility for the costs, where will the minor get the money to pay these medical costs.

Representative O'Connor rose and spoke for the bill as follows:

“The measure before this Body addresses itself to the aid that teenagers need as far as medical treatment goes in four narrow areas of medical treatment.

These have to do first with two areas of medical treatment that this Legislature considered before and those are the areas of venereal disease and pregnancy. The present law takes away from the teenager the difficulty of having venereal disease and pregnancy treatment. Unfortunately, it leaves a hampering device for the teenager who goes to the doctor seeking treatment for venereal disease or pregnancy because the present law requires that doctor to inform the teenager's parents of the fact that the teenager either has venereal disease or is pregnant. This, too often, leads teenagers

not to seek the medical advice that they so desperately need in situations of this nature.

Therefore, it is incumbent upon us to allow teenagers to get to doctors in order to have treatment for venereal disease, pregnancy, substance abuse and to get advice in the family planning area. This is vitally needed today because it strikes right at the difficulties which teenagers run into in the areas concerning the seeking of medical treatment. One of the problems that we have with this particular piece of legislation which was passed by the last Legislature was that the area of financial responsibility was left open. This caused the Governor to have some grave concerns about this bill and, in the last piece of legislation that we sent to the Governor, we expanded the area of medical treatment for teenagers past these four concerns that I speak of tonight.

The financial problems are taken care of in this bill because teenagers are required to pay for their own medical treatment. This will not have anything to do with the cost of welfare in this State. Those teenagers who presently have their medical bills paid through welfare will so have them paid. Otherwise, teenagers in that category will not qualify to have their medical bills paid in that area. They will either have to make the money themselves or obtain them from their parents.

I want to point out very clearly that this bill does not create a breach between parents and teenagers. The teenagers certainly can inform the parents; the doctor is allowed, under the terms of this law, to inform the parents of the treatment of the teenager if the doctor feels that it is necessary for the medical good of the teenager.

For all these reasons and to strike at a situation in our community today which vitally needs our concern and our help, I urge the members of this Honorable Body to vote ‘aye’ on this bill.”

Representative Medina rose and spoke in favor of the measure as follows:

“Money should not be the prime consideration for proper medical treatment. The need should supersede the financial obligation. Let our doctors

mend the sick; let us worry about the payment when the wounds have been licked. Thank you.”

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 297, as amended, passed Third Reading by a roll call vote of 34 ayes to 13 noes, with Representatives Aki, Amaral, W. Chong, Fong, J. Garcia, Kato, Lee, Medeiros, Nakama, Poepoe, Soares, Uechi and Yamada voting no and Representatives Ajifu, Carroll, Leopold and Oda being excused.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 131 passed Third Reading by a vote of 47 ayes, with Representatives Ajifu, Carroll, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 710 on H.B. No. 1635, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1635, as amended, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Hapai voting no and Representatives Ajifu, Carroll, Leopold and Oda being excused.

#### DEFERRED MATTERS

Consideration of Stand. Com. Rep. No. 716 on H.R. No. 195, which had been deferred to this time.

Representative Kawakami moved that Stand. Com. Rep. No. 716 be adopted and that H.R. No. 195 be adopted, seconded by Representative A. Chong.

Representative Aki rose and spoke in favor of the resolution as follows:

“Mr. Speaker, this resolution will reaffirm the Legislature’s great concern over urban encroachment in areas that are better suited for intensive agriculture. In this case, Mikilua Valley which, according to testimony heard in this House, is ideally suited for intensive hog production. This resolution asks our State agencies and county department and the community to retain Mikilua Valley as Ag II zone and to preserve the Mililua area from further encroachment. I ask that we all vote in favor of this resolution.”

The motion was put by the Chair and Stand. Com. Rep. No. 716 was adopted and H.R. No. 195 was adopted.

Consideration of H.B. No. 153 on Third Reading, which had been deferred to this time.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, H.B. No. 153, HD 2, was recommitted to the Committee on Judiciary.

Consideration of Stand. Com. Rep. No. 645 on H.B. No. 660, as amended, 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 H.B. No. 660 passed Third Reading by a vote of 46 ayes to 1 no, with Representative Cobb voting no and Representatives Ajifu, Carroll, Leopold and Oda being excused.

Consideration of Stand. Com. Rep. No. 687 on H.B. No. 636, which had been deferred to this time.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 687 and H.B. No. 636 were recommitted to the Committee on Judiciary.

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the House reconsidered its action taken this morning in adopting Stand. Com. Rep. No. 713 on H.R. No. 383 and referring said resolution to the Committee on Finance.

Representative Suwa then moved that referral of H.R. No. 383 to the Committee on Finance be waived, seconded by Representative Akizaki and carried.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, Stand. Com. Rep. No. 713 was adopted and notwithstanding the recommendation contained therein, H.R. No. 383 was adopted.

At 11:04 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 6, 1973.

## 56TH DAY

Friday, April 6, 1973

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, was called to order at 11:00 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by Reverend John J. Halloran, Associate, of Our Lady of Sorrows Church.

Roll call of the members of the House of Representatives showed that all members were present with the exception of Representatives Iha, Kato and Wakatsuki, who were excused.

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

### MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 44 and 45) were read by the Clerk and were disposed of as follows:

A communication from Eiler C. Ravnholt, Administrative Assistant (Misc. Com. No. 44) acknowledging receipt of House Resolution No. 161 which was adopted during the Regular Session of 1973, was placed on file.

A communication from David S. Nahm, Staff Executive (Misc. Com. No. 45) acknowledging receipt of House Resolution No. 161 which was adopted during the Regular Session of 1973, was placed on file.

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

Upon reconvening at 11:15 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Iha, Kato and Wakatsuki.

### ORDER OF THE DAY

#### DEFERRED RESOLUTION

The following resolution (H.R. No.

481) was disposed of as follows:

H.R. No. 481 was referred to the Select Committee of Oahu Representatives and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Water, Land Use and Development.

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

By unanimous consent, S.B. No. 1024 was taken from the Clerk's desk and was referred to the Committee on Finance.

By unanimous consent, the following resolutions (H.R. Nos. 460 to 472) and concurrent resolution (H.C.R. No. 116) were taken from the Clerk's desk and were disposed of as follows:

H.R. No. 460 was referred to the Committee on Education and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 461 was referred to the Committee on Housing and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Agriculture and thereafter to the Committee on Transportation and to the Committee on Water, Land Use and Development.

H.R. No. 462 was referred to the Committee on Housing and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 463 was referred to the Select Committee of Oahu Representatives and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Housing and thereafter to the Committee on Finance.

H.R. No. 464 was referred to the Select Committee of Oahu Representatives and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Tourism and thereafter to the Committee on Finance.

H.R. No. 465 was referred to the Committee on Transportation and after consideration by it, the Committee was instructed to refer the resolution to the

Committee on Finance.

H.R. No. 466 was referred to the Committee on Transportation and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 467 was referred to the Committee on Water, Land Use and Development and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 468 was referred to the Committee on Water, Land Use and Development and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 469 was referred to the Committee on Water, Land Use and Development and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 470 was referred to the Committee on Federal—State—County and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Judiciary and thereafter to the Committee on Finance.

H.R. No. 471 was referred to the Select Committee of Hawaii Representatives and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 472 was referred to the Committee on Judiciary and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.C.R. No. 116 was referred to the Committee on Labor and Employment and after consideration by it, the Committee was instructed to refer the concurrent resolution to the Committee on Judiciary.

#### STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No.

738) informing the House that House Resolution Nos. 473 to 481, and Standing Committee Report Nos. 724 to 737, have been printed and distributed.

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

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

Representative Suwa moved that the House reconsider its action taken on April 5, 1973 in adopting Stand. Com. Rep. No. 732 on S.B. No. 1295, as amended, and passing said bill on Second Reading and placing it on the Order of the Day for Third Reading on April 6, 1973, seconded by Representative Akizaki and carried.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 732 was adopted and notwithstanding the recommendation contained therein, S.B. No. 1295, as amended, passed Second Reading and was recommitted to the Committee on Finance.

Representative Suwa moved that the House reconsider its action taken on April 5, 1973 in adopting Stand. Com. Rep. No. 737 on S.B. No. 1227, as amended, and passing said bill on Second Reading and placing it on the Order of the Day for Third Reading on April 6, 1973, seconded by Representative Akizaki and carried.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 737 was adopted and notwithstanding the recommendation contained therein, S.B. No. 1227, as amended, passed Second Reading and was recommitted to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 482 to 487) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 482) commending and congratulating Aloha Week Hawaii, Incorporated, for their continued efforts on behalf of "Aloha Friday", and noting the support provided

to that organization by the Hawaiian Fashion Guild, and endorsing "Aloha Friday" as a year-round institution was jointly offered by Representatives Yap, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yim, Young, Yuen and Beppu.

On motion by Representative Yap, seconded by Representative Sakima and carried, H.R. No. 482 was adopted.

At this time, Representative Yap introduced to the members of the House Mr. Clarence S. Gonsalves, President of Aloha Week Hawaii, Incorporated; Mr. Raymond Sasaki, Jr., President of the Hawaiian Fashion Guild and Mr. Kaanehe, Executive Secretary of Aloha Week Hawaii, Incorporated.

At 11:18 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 11:27 o'clock a.m., the House of Representatives reconvened.

A resolution (H.R. No. 483) extending warmest congratulations and best wishes to Dr. Joyce Tsunoda, recipient of an American Council on Education national award was jointly offered by Representatives Kishinami, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Kishinami, seconded by Representative Kihano and carried, H.R. No. 483 was adopted.

A resolution (H.R. No. 484) commending the Reverend Tengan Mori

for his contributions to the Higashi Hongwanji Mission and community in Hawaii was jointly offered by Representatives Morioka, Ajifu, Aki, Akizaki, A. Chong, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Medina, Nakama, O'Connor, Oda, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Morioka, seconded by Representative Iha and carried, H.R. No. 484 was adopted.

A resolution (H.R. No. 485) congratulating the Palolo Higashi Hongwanji on the occasion of the Tenth Anniversary of the establishment of its new temple was jointly offered by Representatives Morioka, Ajifu, Aki, Akizaki, A. Chong, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Medina, O'Connor, Oda, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Morioka, seconded by Representative Roehrig and carried, H.R. No. 485 was adopted.

A resolution (H.R. No. 486) honoring Major General Benjamin J. Webster for his many years of dedicated service to the nation, state, and community and extending best wishes to him upon his retirement was jointly offered by Representatives Carroll, Aduja, Ajifu, Aki, Amaral, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, King, Lee, Leopold, Medeiros, Medina, O'Connor, Oda, Roehrig, Saiki, Soares, Takamine, Ushijima, Wakatsuki, Yamada and Young.

On motion by Representative Carroll, seconded by Representative Lee and carried, H.R. No. 486 was adopted.

A resolution (H.R. No. 487) congratulating Peter Leong on his appointment to the Office of Council Services was jointly offered by Representatives Wasai, A. Chong, Cobb,

de la Cruz, Iha, Kawakami, Kihano, Kimura, Kishinami, Kondo, Lunasco, Medina, Morioka, Nakama, O'Connor, Suwa, Takamine, Ushijima, Wakatsuki, Wedemeyer, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Wasai, seconded by Representative Suwa and carried, H.R. No. 487 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 488 and 489) and concurrent resolutions (H.C.R. Nos. 117 and 118) were referred to the Committee on Legislative Management and further action was deferred until Monday, April 9, 1973:

A resolution (H.R. No. 488) requesting the Speaker of the House of Representatives to establish a special committee to investigate the price of oil and its derivatives in Hawaii was jointly offered by Representatives Wong, Akizaki, A. Chong, Kihano, Kunimura, Lunasco, Nakama, Sakima, Takamine, Uechi, Ushijima, Wedemeyer and Yap.

A resolution (H.R. No. 489) requesting the Congress of the United States to pass legislation exempting processed pineapple products of the State of Hawaii from the Coastwise Shipping Law so as to permit the shipment thereof to the mainland on all U.S. Flag ships and, when not available for whatever reason, on ships of foreign registry was jointly offered by Representatives Roehrig, Iha, Kawakami, Kimura and Medina.

A concurrent resolution (H.C.R. No. 117) urging Congress to enact federal legislation regarding unit pricing of products and commodities was jointly offered by Representatives Yap, Akizaki, A. Chong, Cobb, Fong, J. Garcia, Iha, Kawakami, Kishinami, Lee, Leopold, Medina, Nakama, Roehrig, Saiki, Sakima, Soares, Wasai, Wedemeyer, Yamada and Yuen.

A concurrent resolution (H.C.R. No. 118) urging the United States Congress to enact legislation regarding open coding of packaged commodities was jointly offered by Representatives Yap, Akizaki, A. Chong, Cobb, Fong, J. Garcia, Iha, Kawakami, Kishinami, Lee, Leopold, Medina, Nakama, Roehrig, Saiki, Sakima, Soares, Wasai, Wedemeyer, Yamada and

Yuen.

### COMMITTEE REASSIGNMENTS

S.B. No. 1205 which had been referred to the Committee on Health and to the Committee on Finance on April 5, 1973, was referred solely to the Committee on Health.

S.B. No. 1312 which had been referred to the Committee on Finance on April 5, 1973, was referred to the Committee on Health.

At 11:42 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 12:50 o'clock p.m., the House of Representatives reconvened.

### 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

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

Third Reading of H.B. No. 1807.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1807 passed Third Reading by a vote of 49 ayes, with Representatives Roehrig and Yamada being excused.

Third Reading of H.B. No. 1043.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1043 passed Third Reading by a vote of 49 ayes, with Representatives Roehrig and Yamada being excused.

The Chair directed the Clerk to note that H.B. Nos. 1807 and 1043 had passed Third Reading not earlier than 12:51 o'clock p.m.

**UNFINISHED BUSINESS**

Consideration of Stand. Com. Rep. No. 712 on H.B. No. 220, 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 H.B. No. 220, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Poepoe and Saiki voting no and Representatives Roehrig and Yamada being excused.

Consideration of Stand. Com. Rep. No. 720 on H.B. No. 605, as amended, which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 720 on H.B. No. 605, as amended, was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 721 on H.B. No. 1087, 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 H.B. No. 1087, as amended, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Roehrig and Yamada being excused.

Consideration of Stand. Com. Rep. No. 722 on H.B. No. 1508 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 H.B. No. 1508, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Roehrig and Yamada being excused.

Consideration of Stand. Com. Rep. No. 723 on H.B. No. 82 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 H.B. No. 82, having been read throughout, passed Third Reading by a vote of 49 ayes, with

Representatives Roehrig and Yamada being excused.

The Chair directed the Clerk to note that H.B. Nos. 220, 1087, 1508 and 82 had passed Third Reading not earlier than 12:51 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 739) approving the intent and purpose of S.B. No. 1227 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 739 on S.B. No. 1227, as amended, was deferred until Monday, April 9, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 740) approving the intent and purpose of S.B. No. 1295 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 740 on S.B. No. 1295, as amended, was deferred until Monday, April 9, 1973.

The Chair directed the Clerk to note that printed copies of S.B. No. 1227, SD 1, HD 2 and S.B. No. 1295, SD 1, HD 2, were made available to the members of the House at 12:55 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 12:58 o'clock p.m., the House of Representatives reconvened.

**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 214 to 218) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 214) returning House Bill No. 22, HD 3, which passed Third

Reading in the Senate on April 6, 1973, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 215) returning House Bill No. 172, HD 1, which passed Third Reading in the Senate on April 6, 1973, in an amended form, was placed on file.

By unanimous consent, H.B. Nos. 22 and 172, 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. 22, HD 3, SD 1 and H.B. No. 172, HD 1, SD 1, were made available to the members of the House at 1:00 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. 216) returning House Bill No. 186 which passed Third Reading in the Senate on April 6, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 217) returning House Bill No. 880 which passed Third Reading in the Senate on April 6, 1973, was placed on file.

A communication from the Senate (Sen. Com. No. 218) transmitting Senate Concurrent Resolution No. 51 requesting the Continuing Health Education Council of Hawaii to act as the coordinating agent in establishing a Regional Clinical Engineering Service and Training Center to provide service to hospitals and laboratories in the State of Hawaii, which was adopted by the Senate on April 6, 1973, was placed on file.

By unanimous consent, action on S.C.R. No. 51 was deferred until Monday, April 9, 1973.

At 1:00 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 5:12 o'clock p.m.

#### THIRD READING

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

##### Third Reading of H.B. No. 7.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 7 passed Third Reading by a vote of 49 ayes, with Representatives Iha and Lee being excused.

##### Third Reading of H.B. No. 59.

By unanimous consent, consideration of H.B. No. 59 on Third Reading was deferred until the end of the calendar.

##### Third Reading of H.B. No. 1851.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1851 passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Carroll, Hapai, Oda, Soares and Yamada voting no.

##### Third Reading of H.B. No. 1850.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 1850 passed Third Reading by a vote of 51 ayes.

##### Third Reading of S.B. No. 1283.

By unanimous consent, consideration of S.B. No. 1283 on Third Reading was deferred until Monday, April 9, 1973.

##### Third Reading of H.B. No. 60.

On motion by Representative O'Connor, seconded by Representative Kimura, H.B. No. 60 passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 7, 1851, 1850 and 60 had passed Third Reading not earlier than 5:13 o'clock p.m.

#### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 724 on H.B. No. 438 which had been deferred to this day.

Representative Lee moved that the report of the Committee be adopted and H.B. No. 438, having been read throughout, pass Third Reading, seconded by Representative A. Chong.

Representative Lee then spoke in favor of House Bill No. 438, as follows:

“Mr. Speaker, in 1961, the Hawaii State Legislature enacted a law which placed Hawaii as a leader in the nation in the area of public employment. This law provided for public employees to receive equal pay for equal work. Prior to this law, a government employee in one county could receive a different rate of compensation than an employee doing the same type of work in another county.

Act 188 of the 1961 State Legislature required regular conferences of all civil service and personnel directors for the purpose of determining standards whereby compensation would be based on similarity of duties performed and responsibilities assumed. Under this law, Hawaii has developed a public employee classification scheme which is equitable, consistent, and facilitates movement of public employees from one jurisdiction to another.

Today, we are voting on a bill which will even further this enlightened concept for public employment. House Bill 438, as amended, will allow each exclusive bargaining agent the right to participate and vote at these regular conferences of civil service and personnel directors. Over the past decade the review of classification and compensation plans has been the exclusive realm of government personnel directors, without participation by employees. Under our present collective bargaining law, matters of classification and re-classification are excluded from the scope of negotiations.

Some have argued that to allow union representatives to participate and vote in these reviews would result in union dominated deliberations. In considering this argument, your Committee on Public Employment has amended this bill in two ways: First, by limiting the number of representatives of employee organizations entitled to participate in the biennial conferences; and secondly, by limiting the employee organization's right to vote on only those matters affecting it.

I urge all of my colleagues to vote in favor of House Bill 438, HD 1.”

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 438 passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 438 had passed Third Reading at 5:33 o'clock p.m.

At 5:34 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.

Consideration of Stand. Com. Rep. No. 727 on H.B. No. 188 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 H.B. No. 188, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 728 on H.B. No. 50, 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 H.B. No. 50, as amended, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Leopold then rose and spoke in favor of the measure.

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 50, as amended, passed Third Reading by a roll call vote of 37 ayes to 14 noes, with Representatives Aduja, Ajifu, Amaral, W. Chong, Cobb, Kato, Medeiros, Oda, Poepoe, Saiki, Soares, Uechi, Wasai and Yamada voting no.

Consideration of Stand. Com. Rep. No. 733 on H.B. No. 656, 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 H.B. No.

656, as amended, having been read throughout, passed Third Reading by a vote of 51 ayes.

Consideration of Stand. Com. Rep. No. 735 on H.B. No. 1877, 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 majority of the Committee was adopted and H.B. No. 1877, as amended, having been read throughout, passed Third Reading by a roll call vote of 47 ayes to 4 noes, with Representatives Ajifu, Amaral, W. Chong and Fong voting no.

Consideration of Stand. Com. Rep. No. 736 on H.B. No. 1089 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 H.B. No. 1089, having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 188, 50, 656, 1877 and 1089 had passed Third Reading not earlier than 5:44 o'clock p.m.

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.

#### STANDING COMMITTEE REPORTS

Representative Kawakami, for the majority of the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 741) approving the intent and purpose of S.B. No. 930 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the majority of the Committee was adopted and S.B. No. 930, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading Monday, April 9, 1973.

The Chair directed the Clerk to note that S.B. No. 930 had passed Second Reading at 5:48 o'clock p.m.

Representative R. Garcia, for the Committee on Military and Civil Defense, presented a report (Stand. Com. Rep. No. 742) approving the intent and purpose of H.B. No. 1778 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative R. Garcia, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.B. No. 1778, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 743) approving the intent and purpose of S.B. No. 761 and recommending its passage on Second Reading and its referral to the Committee on Judiciary.

On motion by Representative Yap, seconded by Representative Medina and carried, the report of the Committee was adopted and S.B. No. 761 passed Second Reading and was referred to the Committee on Judiciary.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 744) approving the intent and purpose of H.C.R. No. 83 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.C.R. No. 83 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 745) approving the intent and purpose of H.R. No. 430 and recommending its referral to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Young and carried, the report of the Committee was adopted and H.R. No. 430 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 746) approving the intent and purpose of H.R. No. 137 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.R. No. 137 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 747) approving the intent and purpose of H.R. No. 415 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.R. No. 415 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 748) approving the intent and purpose of H.R. No. 416 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.R. No. 416 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 749) approving the intent and purpose of H.R. No. 417 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.R. No. 417 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 750) approving the intent and purpose of H.R. No. 410 and recommending its referral to the Select Committee of Oahu Representatives 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. 410, as amended, was referred to the Select Committee of Oahu Representatives.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 751) approving the intent and purpose of S.B. No. 855 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 855, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 752) approving the intent and purpose of S.B. No. 1076 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Young, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1076 passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the majority of the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 753) approving the intent and purpose of S.B. No. 1380 and recommending its passage on Second Reading.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the majority of the Committee was adopted and S.B. No. 1380 passed Second Reading and was placed on the Order of the Day for Third Reading Monday, April 9, 1973.

The Chair directed the Clerk to note that S.B. No. 1380 had passed Second Reading at 5:52 o'clock p.m.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 754) approving the intent and purpose of S.B.

No. 140 and recommending its passage on Second Reading and its referral to the Committee on Judiciary.

On motion by Representative Young, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 140 passed Second Reading and was referred to the Committee on Judiciary.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 755) approving the intent and purpose of S.B. No. 748 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 748 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 756) approving the intent and purpose of S. B. No. 1202 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 1202 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 757) approving the intent and purpose of S.B. No. 1221 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 1221, as amended, passed Second Reading and was referred to the Committee on Finance.

At 5:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 6:03 o'clock p.m., the House of

Representatives reconvened.

### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

Representative Kimura moved that the House reconsider its action taken earlier in adopting Stand. Com. Rep. No. 746 on H.R. No. 137 and referring said resolution to the Committee on Finance, seconded by Representative Kishinami and carried.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, and notwithstanding the recommendation contained therein, consideration of Stand. Com. Rep. No. 746 on H.R. No. 137 was deferred until Monday, April 9, 1973.

Representative Kimura moved that the House reconsider its action taken earlier in adopting Stand. Com. Rep. No. 747 on H.R. No. 415 and referring said resolution to the Committee on Finance, seconded by Representative Kishinami and carried.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, and notwithstanding the recommendation contained therein, consideration of Stand. Com. Rep. No. 747 on H.R. No. 415 was deferred until Monday, April 9, 1973.

Representative Kimura moved that the House reconsider its action taken earlier in adopting Stand. Com. Rep. No. 748 on H.R. No. 416 and referring said resolution to the Committee on Finance, seconded by Representative Kishinami and carried.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, and notwithstanding the recommendation contained therein, consideration of Stand. Com. Rep. No. 748 on H.R. No. 416 was deferred until Monday, April 9, 1973.

Representative Kimura moved that the House reconsider its action taken earlier in adopting Stand. Com. Rep. No. 750 on H.R. No. 410 and referring said resolution to the Committee on Finance, seconded by Representative Kishinami and carried.

On motion by Representative Kimura,

seconded by Representative Kishinami and carried, and notwithstanding the recommendation contained therein, consideration of Stand. Com. Rep. No. 750 on H.R. No. 410 was deferred until Monday, April 9, 1973.

### DEFERRED MATTERS

Consideration of Stand. Com. Rep. No. 720 on H.B. No. 605, as amended, which had been deferred to this time.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Stand. Com. Rep. No. 720 and H.B. No. 605, HD 2, were recommitted to the Committee on Judiciary.

Consideration of H.B. No. 59 on Third Reading which had been deferred to this time.

Representative O'Connor moved that H.B. No. 59, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Uechi then offered the following amendment to H.B. No. 59, HD 1:

“SECTION 1. House Bill 59, H.D. 1, is amended as follows:

1. By adding a new section 11 and section 12 to read as follows:

‘SECTION 11. Section 707–730, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

(1) A male commits the offense of rape in the first degree if:

(a) He intentionally engages in sexual intercourse, by forcible compulsion, with a female and:

(i) The female is not, upon the occasion, his voluntary social companion who had within the previous twelve months permitted him sexual contact; or

(ii) He recklessly inflicts serious bodily injury upon the female; or

(b) He intentionally engages in sexual intercourse with a female who is less than [14] sixteen years old and he recklessly

inflicts serious bodily injury upon the female.’

‘SECTION 12. Section 707–731, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

(1) A male commits the offense of rape in the second degree if:

(a) He intentionally engages in sexual intercourse by forcible compulsion with a female; or

(b) He intentionally engages in sexual intercourse with a female who is less than [14] sixteen years old.’

2. By renumbering sections 11 and 12 to sections 13 and 14.”

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

Representative Uechi then rose and spoke in favor of the amendment and Representatives O'Connor and Roehrig spoke against the amendment.

The motion to adopt the amendment was put by the Chair and failed to carry by a roll call vote of 30 noes to 21 ayes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Kato, Lunasco, Medeiros, Oda, Saiki, Soares, Uechi, Wasai, Wong and Yim voting aye.

The motion to pass H.B. No. 59 on Third Reading was put by the Chair and H.B. No. 59 passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 59 had passed Third Reading at 6:20 o'clock p.m.

At 6:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 6:45 o'clock p.m., the House of Representatives reconvened.

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

By unanimous consent, H.B. No. 18, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 18 and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 200, 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. 200, and that H.B. No. 200, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained the amendments made by the Senate.

The motion was put by the Chair and carried, and H.B. No. 200, as amended, passed Final Reading by a vote of 46 ayes with Representatives Amaral, W. Chong, Kato, Soares and Yim being excused.

By unanimous consent, H.B. No. 132, as amended by the Senate, was taken from the Clerk's desk.

Representative Yap moved that the

House agree to the amendments proposed by the Senate to H.B. No. 132, and that H.B. No. 132, as amended, having been read throughout, pass Final Reading, seconded by Representative Medina.

Representative Yap then explained the amendments made by the Senate.

The motion was put by the Chair and carried, and H.B. No. 132, as amended, passed Final Reading by a vote of 46 ayes, with Representatives Amaral, W. Chong, Kato, Soares and Yim being excused.

The Chair directed the Clerk to note that H.B. Nos. 200 and 132 had passed Final Reading at 6:51 o'clock p.m.

#### APPOINTMENT OF CONFERENCE COMMITTEE

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 90 and the request for a conference on the subject matter of said amendments, Representatives Akizaki, Chairman; Yuen and W. Chong were appointed as Managers on the part of the House at such conference.

At 6:53 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. Monday, April 9, 1973.

## 57TH DAY

**Monday, April 9, 1973**

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, was called to order at 11:00 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by The Reverend Haines Moffat of Maluahia Lutheran Church.

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-Sixth 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-Sixth Day was approved.

### GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Mess. Nos. 68 and 69) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Mess. No. 68) transmitting copies of a report prepared by the Office of Environmental Quality Control which describes the State's needs and available resources related to waste water treatment facilities, was placed on file.

### MISCELLANEOUS COMMUNICATION

A communication from Sam S. Hironaka, President, Savings & Loan League of Hawaii (Misc. Com. No. 46) acknowledging receipt of H.R. No. 331, was placed on file.

### ORDER OF THE DAY

#### COMMITTEE REFERRALS

The following resolutions (H.R. Nos. 488 and 489) and concurrent resolutions (H.C.R. Nos. 117 and 118 and S.C.R. Nos. 51, 58, 59 and 60) were disposed of as follows:

H.R. No. 488 was referred to the

Committee on Consumer Protection and after consideration by it, the Committee was instructed to refer the resolution to the Committee on Finance.

H.R. No. 489 was referred to the Committee on Agriculture.

H.C.R. No. 117 was referred to the Committee on Consumer Protection.

H.C.R. No. 118 was referred to the Committee on Consumer Protection.

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

S.C.R. No. 58 was referred to the Committee on Water, Land Use and Development.

S.C.R. No. 59 was referred to the Committee on Water, Land Use and Development.

S.C.R. No. 60 was referred to the Committee on Water, Land Use and Development.

#### COMMITTEE REASSIGNMENTS

S.B. No. 883 which was referred to the Committee on Health and to the Committee on Judiciary on April 5, 1973, was referred solely to the Committee on Health.

H.R. No. 137 which was referred to the Committee on Education, the Committee on Higher Education and the Committee on Finance on February 6, 1973, was referred solely to the Committee on Higher Education.

H.R. No. 271 which was referred to the Select Committee of Oahu Representatives and to the Committee on Finance on March 1, 1973, was referred solely to the Select Committee of Oahu Representatives.

H.R. No. 410 which was referred to the Committee on Higher Education and the Select Committee of Oahu Representatives on March 29, 1973, was referred solely to the Committee on Higher Education.

H.R. No. 415 which was referred to the Committee on Higher Education and to the Committee on Finance on April 30, 1973, was referred solely to the

Committee on Higher Education.

H.R. No. 416 which was referred to the Committee on Higher Education and to the Committee on Finance on April 30, 1973, was referred solely to the Committee on Higher Education.

H.R. No. 481 which was referred to the Select Committee of Oahu Representatives and to the Committee on Water, Land Use and Development on April 6, 1973, was referred solely to the Select Committee of Oahu Representatives.

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 758) informing the House that House Resolution Nos. 482 to 489, Standing Committee Report Nos. 739 to 757, House Concurrent Resolution Nos. 117 and 118, and Standing Committee Report Nos. 759 to 779 had been printed and distributed.

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

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 759) approving the intent and purpose of S.B. No. 823, SD 1 and recommending its passage on Second Reading and its referral to the Committee on Judiciary with certain amendments.

On motion by Representative King, seconded by Representative Roehrig and carried, the report of the Committee was adopted and S.B. No. 823, as amended, passed Second Reading and was referred to the Committee on Judiciary.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 760) approving the intent and purpose of S.B. No. 362 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.B. No. 362 passed Second

Reading and was referred to the Committee on Finance.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 761) approving the intent and purpose of H.R. No. 370 and recommending its referral to the Committee on Finance with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 761 on H.R. No. 370, as amended, was deferred until the end of the calendar.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 762) approving the intent and purpose of H.R. No. 231 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 762 on H.R. No. 231 was deferred until the end of the calendar.

Representative Medina, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 763) approving the intent and purpose of S.C.R. No. 34, SD 1 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 763 on S.C.R. No. 34 was deferred until the end of the calendar.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 764) approving the intent and purpose of S.C.R. No. 47 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 764 on S.C.R. No. 47 was deferred until the end of the calendar.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 765) approving the intent and purpose of H.C.R. No. 75 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 765 on H.C.R. No. 75 was deferred until the end of the calendar.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 766) approving the intent and purpose of H.R. No. 80, HD 1 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 766 on H.R. No. 80 was deferred until the end of the calendar.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 767) approving the intent and purpose of S.B. No. 176 SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 176, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 768) approving the intent and purpose of S.B. No. 1153 and recommending its passage on Second Reading.

On motion by Representative Sakima, seconded by Representative Young and carried, the report of the Committee was adopted and S.B. No. 1153 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 769) approving the intent and purpose of S.B. No. 1308, SD 1 and recommending its passage on Second Reading.

On motion by Representative Sakima, seconded by Representative Young and carried, the report of the Committee was adopted and S.B. No. 1308 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 770)

approving the intent and purpose of S.C.R. No. 37, SD 1 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 770 on S.C.R. No. 37 was deferred until the end of the calendar.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 771) approving the intent and purpose of S.C.R. No. 38 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 771 on S.C.R. No. 38 was deferred until the end of the calendar.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 772) approving the intent and purpose of S.C.R. No. 39, SD 1 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 772 on S.C.R. No. 39 was deferred until the end of the calendar.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 773) approving the intent and purpose of S.C.R. No. 40 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 773 on S.C.R. No. 40 was deferred until the end of the calendar.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 774) approving the intent and purpose of S.C.R. No. 41 and recommending its adoption with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 774 on S.C.R. No. 41, as amended, was deferred until the end of the calendar.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 775) approving the intent and purpose of S.B. No. 377, SD 2 and recommending its

passage on Second Reading and its referral to the Committee on Finance with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 775 on S.B. No. 377, as amended, was deferred until the end of the calendar.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 776) approving the intent and purpose of S.B. No. 1007 and recommending its passage on Second Reading.

On motion by Representative Young, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1007 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 777) approving the intent and purpose of S.B. No. 394 and recommending its passage on Second Reading.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 394 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that S.B. Nos. 176, SD 2, HD 1, 1153, 1308, SD 1, 1007 and 394 had passed Second Reading at 11:08 o'clock a.m.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 778) approving the intent and purpose of H.B. No. 1831 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 778 on H.B. No. 1831 was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of H.B. No. 1831 had been made available to the members of the House at 11:08 o'clock a.m., in accordance with Article III, Section 16,

of the Constitution of the State of Hawaii.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 779) approving the intent and purpose of S.B. No. 10, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Young, seconded by Representative Yuen and carried, Stand. Com. Rep. No. 779 and S.B. No. 10, as amended, were recommitted to the Committee on Housing.

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 490 to 493) were read by the Clerk and disposed of as follows:

A resolution (H.R. No. 490) congratulating Miss Carmella Barut, her court and the Oahu Filipino Community Council for a felicitous Miss Oahu-Filipina Pageant was jointly offered by Representatives Kihano, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Yuen.

On motion by Representative Kihano, seconded by Representative Young and carried, H.R. No. 490 was adopted.

A resolution (H.R. No. 491) congratulating Scoutmaster Richard Y. Mizuta for his forty-five years of dedicated service to the Boy Scouts of America, Aloha Council was jointly offered by Representatives Iha, Aduja, Aki, Akizaki, Carroll, A. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, Kawakami, Kihano, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Medina, Morioka, Nakama, O'Connor, Oda, Roehrig, Saiki, Sakima, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Iha, seconded by Representative Sakima and carried, H.R. No. 491 was adopted.

A resolution (H.R. No. 492) in recognition of librarians during National Library Week was jointly offered by Representatives Kunimura, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, de la Cruz, J. Garcia, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Young, Yuen and Beppu.

On motion by Representative Kunimura, seconded by Representative Sakima and carried, H.R. No. 492 was adopted.

A resolution (H.R. No. 493) congratulating O. Traylor Mercer on his accomplishments and commending his success with the Honolulu Weekly Snooper was jointly offered by Representatives Wedemeyer, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wong, Yamada, Yap, Yim, Young Yuen and Beppu.

On motion by Representative Wedemeyer, seconded by Representative Kunimura and carried, H.R. No. 493 was adopted.

The following resolutions (H.R. Nos. 494 to 500) and concurrent resolution (H.C.R. No. 119) were referred to the Committee on Legislative Management and further action deferred until tomorrow, April 10, 1973:

A resolution (H.R. No. 494) requesting the Hawaii Community College of the University of Hawaii at Hilo to assist with programs of the Hawaii Island Young Farmer Association was jointly offered by Representatives Roehrig, Ajifu, Aki, A. Chong, Hapai, Iha, Kawakami, Kihano, Lunasco, Medina, Morioka, Oda and Young.

A resolution (H.R. No. 495) relating to the establishment of wildlife refuges and research for the protection of endangered Hawaiian waterbirds was jointly offered by Representatives King, Akizaki, A. Chong, de la Cruz, R. Garcia, Kihano, Kishinami, Kondo, Kunimura, Lee, Morioka, Nakama, Uechi, Ushijima, Yap, Young and Yuen.

A resolution (H.R. No. 496) requesting the House Committee on Public Employment to conduct an interim study to determine the feasibility of establishing within the State government a centrally coordinated manpower information system was jointly offered by Representatives Lee, Ushijima, Wakatsuki and Beppu.

A resolution (H.R. No. 497) requesting the Board of Regents to study the feasibility of charging Vietnam veterans smaller amounts for tuition at the University of Hawaii and community colleges was jointly offered by Representatives Kimura, Kawakami, Kishinami, Kunimura, Lee, Medina, Sakima, Young and Yuen.

A resolution (H.R. No. 498) requesting the Legislative Reference Bureau to conduct a study for the need for legislative safeguards of banking confidentiality was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kihano, Kimura, King, Medeiros, Medina, Sakima, Wedemeyer, Yamada and Yap.

A resolution (H.R. No. 499) requesting the Speaker of the House of Representatives to appoint an interim committee to study and recommend action in the area of taxicab regulation was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, Lee, Medeiros, Medina, Roehrig, Sakima, Yamada and Yap.

A resolution (H.R. No. 500) requesting the Interdepartmental Transportation Control Commission to conduct a study on the taxicab industry in Hawaii was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kihano, Kimura, Lee, Medeiros, Medina, Sakima, Yamada and Yap.

A concurrent resolution (H.C.R. No.

119) requesting the Speaker of the House of Representatives and the President of the Senate to appoint a joint interim committee to study and recommend action in the area of taxicab regulation was jointly offered by Representatives O'Connor, Aduja, Carroll, Fong, Kawakami, Kihano, Kimura, Lee, Medeiros, Medina, Roehrig, Sakima, Yamada and Yap.

At 11:24 o'clock a.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 7:00 o'clock p.m. this evening.

### EVENING SESSION

The House of Representatives reconvened at 7:30 o'clock p.m.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 219 to 243) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 219) returning House Bill No. 124, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 220) returning House Bill No. 157, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 221) returning House Bill No. 216 which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 222) returning House Bill No. 315, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 223) returning House Bill No. 615 which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 224) returning House Bill No. 809, HD 1, which this day passed

Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 225) returning House Bill No. 995, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 226) returning House Bill No. 1169, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 227) returning House Bill No. 1896, HD 1, which this day passed Third Reading in the Senate in an amended form, was placed on file.

By unanimous consent, H.B. Nos. 124, HD 1, SD 1; 157, HD 1, SD 1; 216, SD 1; 315, HD 1, SD 1; 615, SD 1; 809, HD 1, SD 1, 995, HD 1, SD 1; 1169, HD 1, SD 1 and 1896, HD 1, SD 1, were placed on the Clerk's desk.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 124, HD 1, SD 1; 157, HD 1, SD 1; 216, SD 1; 315, HD 1, SD 1; 615, SD 1; 809, HD 1, SD 1; 995, HD 1, SD 1; 1169, HD 1, SD 1 and 1896, HD 1, SD 1, were made available to the members of the House at 1:00 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. 228) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 18, as amended, and the request for a conference on the subject matter of said amendments, Senators Ushijima, Chairman; Kawasaki and Mills had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, Representatives O'Connor, Chairman; Lee, Roehrig 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. 229) informing the House that the Senate had disagreed to the amendments proposed by the House to

Senate Bill No. 97 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Toyofuku, Chairman; Yamasaki and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 230) transmitting Senate Concurrent Resolution No. 61 which was this day adopted by the Senate, was placed on file.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, S.C.R. No. 61 was adopted.

A communication from the Senate (Sen. Com. No. 231) returning House Bill No. 13 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 232) returning House Bill No. 23, HD 1, which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 233) returning House Bill No. 34 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 234) returning House Bill No. 35 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 235) returning House Bill No. 36 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 236) returning House Bill No. 37 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 237) returning House Bill No. 38 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 238) returning House Bill No. 39 which this day passed Third

Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 239) returning House Bill No. 47 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 240) returning House Bill No. 180, HD 1, which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 241) returning House Bill No. 194 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 242) returning House Bill No. 1874 which this day passed Third Reading in the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 243) transmitting Senate Concurrent Resolution No. 63 which was this day adopted by the Senate, was placed on file.

By unanimous consent, S.C.R. No. 63 was placed on the Clerk's desk.

#### STANDING COMMITTEE REPORTS

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 780) approving the intent and purpose of S.B. No. 1206, SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative King, seconded by Representative Roehrig and carried, the report of the Committee was adopted and S.B. No. 1206, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 781) approving the intent and purpose of S.B. No. 822 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. 822 passed Second Reading and was placed on

the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 782) approving the intent and purpose of S.B. No. 569, SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 569, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 783) approving the intent and purpose of S.B. No. 931, SD 1 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

Representative Suwa moved that referral of S.B. No. 931, as amended, to the Committee on Finance be waived, seconded by Representative Akizaki and carried.

On motion by Representative Lee, seconded by Representative Akizaki and carried, the report of the Committee was adopted and, notwithstanding the recommendation contained therein, S.B. No. 931 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 784) approving the intent and purpose of S.B. No. 96 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 96, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 785)

approving the intent and purpose of S.B. No. 192 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 192 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 786) approving the intent and purpose of S.B. No. 157 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 157 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 787) approving the intent and purpose of S.B. No. 1008 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1008 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 788) approving the intent and purpose of S.B. No. 56, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, S.B. No. 56, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 789) approving the intent and purpose of S.B. No. 1184, SD 2 and recommending its

passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1184, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 790) approving the intent and purpose of S.B. No. 908 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 908, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 791) approving the intent and purpose of S.B. No. 1024 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1024 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 792) approving the intent and purpose of S.B. No. 194 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 194 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 793) approving the intent and purpose of S.B. No. 910, SD 1 and recommending its

passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 910, as amended, passed Second Reading and was placed on the Order of the day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 794) approving the intent and purpose of S.B. No. 993 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 993 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 795) approving the intent and purpose of S.B. No. 1100 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1100 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 796) approving the intent and purpose of S.B. No. 1284, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1284, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 797) approving the intent and purpose of S.B. No. 1274, SD 1 and recommending its

passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1274, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 798) approving the intent and purpose of S.B. No. 1386 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1386 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 799) approving the intent and purpose of S.B. No. 51, SD 2 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 799 on S.B. No. 51, as amended, was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of S.B. No. 51, SD 2, HD 1 had been made available to the members of the House at 7:35 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 800) approving the intent and purpose of S.B. No. 37, SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 37, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 801) approving the intent and purpose of S.B. No. 873, SD 1 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 873 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 802) approving the intent and purpose of S.B. No. 1228 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1228, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 803) approving the intent and purpose of S.B. No. 402, SD 1 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 402 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 804) approving the intent and purpose of S.B. No. 929, SD 1 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 929 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 805) approving the intent and purpose of S.B. No. 386, SD 1 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 386 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 806) approving the intent and purpose of S.B. No. 231 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 231, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 807) approving the intent and purpose of S.B. No. 623, SD 1 and recommending its passage on Second Reading and its referral to the Committee on Finance with certain amendments.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and S.B. No. 623, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 808) approving the intent and purpose of H.C.R. No. 114 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.C.R. No. 114 was referred to the Committee on Finance.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No.

809) approving the intent and purpose of H.R. No. 450 and recommending its referral to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H.R. No. 450 was referred to the Committee on Finance.

Representative Kimura, for the Joint Committee on Higher Education and Education, presented a report (Stand. Com. Rep. No. 810) approving the intent and purpose of H.R. No. 451 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative Kimura, seconded by Representative Sakima and carried, the report of the Joint Committee was adopted and H.R. No. 451, as amended, was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 811) approving the intent and purpose of S.B. No. 59 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 59 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 812) approving the intent and purpose of H.R. No. 63 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 63, as amended, was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 813) approving the intent and purpose of H.R. No. 449 and recommending its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 449 was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Employment, presented a report (Stand. Com. Rep. No. 814) approving the intent and purpose of H.R. No. 458 and recommending its referral to the Committee on Finance.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 458 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 815) approving the intent and purpose of H.C.R. No. 103 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 103, as amended, was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 816) approving the intent and purpose of S.B. No. 1002, SD 1 and recommending its passage on Second Reading and its referral to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 1002 passed Second Reading and was referred to the Committee on Finance.

Representative Kihano, for the Select Committee of Oahu Representatives, presented a report (Stand. Com. Rep. No. 817) approving the intent and purpose of H.R. No. 271 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative Kihano, seconded by Representative Yap and carried, the report of the Committee was adopted and, notwithstanding the

recommendation contained therein, H.R. No. 271, as amended, was adopted.

Representative Kihano, for the Select Committee of Oahu Representatives, presented a report (Stand. Com. Rep. No. 818) approving the intent and purpose of H.R. No. 481 and recommending its referral to the Committee on Water, Land Use and Development.

On motion by Representative Kihano, seconded by Representative Yap and carried, the report of the Committee was adopted and, notwithstanding the recommendation contained therein, H.R. No. 481 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 819) approving the intent and purpose of S.B. No. 1076, SD 2 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 819 on S.B. No. 1076, as amended, was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of S.B. No. 1076, SD 1, HD 1, had been made available to the members of the House at 7:35 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. 820) approving the intent and purpose of S.B. No. 1103, SD 1, and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 1103, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 821) approving the intent and purpose of S.B. No. 722, SD 1 and recommending its passage on Second Reading with certain

amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 722, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 822) approving the intent and purpose of S.B. No. 109, SD 1, 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. 109, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 823) approving the intent and purpose of S.B. No. 1017 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. 1017 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 824) approving the intent and purpose of S.B. No. 1382, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 1382, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 825)

approving the intent and purpose of S.B. No. 622, SD 1 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. 622 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 826) approving the intent and purpose of S.B. No. 87 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 87, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 827) approving the intent and purpose of S.B. No. 1155, SD 1, 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. 1155 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Joint Committee on Judiciary and Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 828) approving the intent and purpose of S.B. No. 920, SD 2, and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Cobb and carried, the report of the Joint Committee was adopted and S.B. No. 920, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Kawakami, for the

Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 829) approving the intent and purpose of S.B. No. 178, SD 2, and recommending its passage on Second Reading.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and S.B. No. 178 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that S.B. Nos. 1206, 822, 569, 931, 96, 192, 157, 1008, 56, 1184, 908, 1024, 194, 910, 993, 1100, 1284, 1274, 1386, 37, 873, 1228, 402, 929, 386, 231, 1103, 722, 109, 1017, 1382, 622, 87, 1155, 920 and 178 had passed Second Reading not later than 7:35 o'clock p.m.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 830) approving the intent and purpose of H.C.R. No. 108 and recommending its referral to the Committee on Finance.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 108 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 831) approving the intent and purpose of H.C.R. No. 109 and recommending its referral to the Committee on Finance.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 109 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 832) approving the intent and purpose of H.C.R. No. 111 and recommending its referral to the Committee on Finance.

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

Committee was adopted and H.C.R. No. 111 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 833) approving the intent and purpose of H.C.R. No. 112 and recommending its referral to the Committee on Finance.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 112 was referred to the Committee on Finance.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 834) approving the intent and purpose of H.C.R. No. 110 and recommending its referral to the Committee on Finance.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 110 was referred to the Committee on Finance.

#### SUSPENSION OF RULES

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

#### THIRD READING

Third Reading of S.B. No. 930.

On motion by Representative Kawakami, seconded by Representative A. Chong, S.B. No. 930 passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ajifu, Cobb, Hapai and King voting no.

Third Reading of S.B. No. 1380.

On motion by Representative Kawakami, seconded by Representative A. Chong, S.B. No. 1380 passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Amaral, Carroll, A. Chong, Cobb, R. Garcia, Hapai, King, Leopold, Wong and Yim voting no.

## UNFINISHED BUSINESS

Consideration of S.B. No. 1283 which had been deferred to this day.

Representative Suwa moved that S.B. No. 1283, as amended, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Cobb offered the following amendment to S.B. No. 1283 as follows:

“Section 1. Senate Bill 1283, SD 1, HD 1, is amended by adding a new subsection to part II to read as follows:

‘10. By adding a new section to be appropriately numbered and to read as follows:

Sec. 235— Tax on gain from sale of residential real property. (a) Except as otherwise provided all residential real property sold after the effective date of this section shall be taxed in accordance with this section.

(b) Any provision of this chapter to the contrary notwithstanding, all net gains from the sale of residential real property held for less than five years shall be taxed as follows<sup>3</sup>/<sub>4</sub>

(1) The tax shall be eighty per cent of the net gain if the property is held for less than three years;

(2) The tax shall be sixty percent of the net gain if the property is held three years or more but less than five years.

(c) Net gain derived from the sale of residential real property shall be excluded from the imposition of the tax as provided in this section and shall be treated as ordinary capital gains or ordinary income as the case may be as provided by other provisions of this chapter as follows:

(1) If the property is held for more than five years;

(2) If the property is held for less than five years and is sold under threat of condemnation, condemnation, or otherwise involuntarily sold;

(3) If the property is held by a taxpayer primarily for sale to customers

in the ordinary course of his principal trade or business, where the taxpayer’s business is contracting as defined in section 237-6 and the sale of the real property is the first sale of such property with a dwelling unit thereon completed by the taxpayer;

(4) If the property is a condominium sold for use for a temporary or seasonal occupancy.

(d) As used in this section: ‘sale’ means the transfer of any legal or equitable interest, other than a security interest, from one person to another for a consideration other than nominal; ‘residential real property’ or ‘real property’ means real property including improvements used for residential purposes.

(e) The director shall prepare and prescribe the appropriate forms to be used by taxpayers in conforming with this section. The form shall be an integral part of the net income tax return. The director may adopt such rules as may be necessary to effectuate the purposes of this section pursuant to chapter 91.’

Section 2. Senate Bill 1283, SD 1, HD 1, is amended as follows:

1. Subsections 1, 2, 3, 4, and 6 of section 4, part III, are deleted.

2. Subsection 5 of section 4, part III, is renumbered subsection 1.”

Representative Cobb moved that the amendment be adopted, seconded by Representative R. Garcia.

Representative Cobb rose and spoke in favor of the amendment as follows:

This amendment may look somewhat familiar to the members of this House, especially those of us on the Housing Committee.

In fact, Mr. Speaker, this amendment is almost identical to H.B. 612, HD 1, introduced by your Chairman of the Housing Committee, and passed on Second Reading by this House on April 2.

Since April 4 was the leadership deadline for passage of House bills on Third Reading, it is now too late to pass such a bill this session. Yet, a critical need

remains for us to stop the rapid increase in housing prices, caused largely by speculation.

This amendment will put the brakes on such speculation and, at the same time, enable us to abolish the proposed increase in the excise tax. This is because revenue from such capital gains tax will more than offset the loss of the additional excise tax.

Let me illustrate the point by actual figures:

1. We know from testimony Hawaii has more than 200,000 housing units.

2. We know the re-sale rate is 27% of those units per year.

3. We know the average mortgage in Honolulu lasts only three years.

4. We know the average profit is at least \$10,000 per unit.

5. If we apply an 80% capital gains tax for the first three years and a 60% tax for the next two years, and evenly divide the application of that tax, the revenue result is then a matter of simple arithmetic.

Based on annual sale of 50,000 units, at a \$10 million profit, evenly divided into three and five year sales, the 80% tax would yield revenues of \$200 million, and the 60% tax would provide revenues of another \$150 million for a total of \$350 per year for the State of Hawaii.

But let's be generous and assume that two-thirds of those units are rental units which are never sold. While that is a dubious assumption, this still leaves a revenue income of more than \$116 million a year for Hawaii.

On the other hand, the projected revenue for the increased excise tax is \$2.7 million for two years. And the excise tax will not help reduce the cost of living, or housing, in Hawaii.

This amendment also provides reasonable safeguards by excluding from the tax provisions:

1. Condominiums that are used for temporary or seasonal occupancy.

2. The initial sale of property by a developer to a first mortgagee.

These safeguards insure both development of condominiums, especially on our Neighbor Islands, and a reasonable building incentive for suburban housing on a Statewide basis.

The limited time period of the tax is designed to prevent only the short term, speculative sale of homes that have contributed so much to the increased cost of housing in Hawaii.

The content of this amendment has been approved by your Housing Committee and has passed Second Reading in this House. Now, with the same provisions, we can abolish the proposed increase in the excise tax, and at the same time, move to curtail the increasing costs of housing.

The only new provision in this amendment is the item which abolishes the proposed increase in the excise tax. Many of us here have campaigned for tax reform or against an increase in taxes.

And so I ask each of my colleagues in that category to support this amendment as a reasonable and better alternative to an increase in the excise tax."

Representative Suwa rose and spoke against the amendment stating that we do not need this amendment if it is administrated correctly.

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

Representative Wong offered the following amendment to S.B. No. 1283:

"Senate Bill 1283, SD 1, HD 1 is amended as follows:

'5a. Section 235-51 is amended to read:

Sec. 235-51 Tax on individuals; rate.  
(a) There shall be assessed, leveled, collected, and paid, for each taxable year on the taxable income of every individual, a tax in the following amounts:

If the taxable income is:

Not over \$500, the tax shall be 2.25% of taxable income;

Over \$500, but not over \$1,000, the tax shall be \$11.25 plus 3.25% of excess over \$500;

Over \$1,000, but not over \$1,500, the tax shall be \$27.50 plus 4.5% of the excess over \$1,000;

Over \$1,500, but not over \$2,000—\$75.00 plus 5% of the excess over \$1,500;

Over \$2,000, but not over \$3,000—\$75.00 plus 6.5% of the excess over \$2,000;

Over \$3,000, but not over \$5,000—\$140.00 plus 7.5% of excess over \$3,000;

Over \$5,000, but not over \$10,000—\$290.00 plus 8.5% of excess over \$5,000;

Over \$10,000, but not over \$14,000—\$715.00 plus [9.5%] 10% of excess over \$10,000;

[Over \$14,000, but not over \$20,000—\$1,095.00 plus 10% of excess over \$14,000;

Over \$20,000, but not over \$30,000—\$1,695.00 plus 10.5% of excess over \$20,000;

Over \$30,000—\$2,745.00 plus 11% of excess over \$30,000];

Over \$14,000, but not over \$18,000—\$1,115.00 plus 11.5% of excess over \$14,000;

Over \$18,000, but not over \$22,000—\$1,575.00 plus 13.0% of excess over \$18,000;

Over \$22,000, but not over \$26,000—\$2,095.00 plus 14.5% of excess over \$22,000;

Over \$26,000, but not over \$30,000—\$2,675.00 plus 16.0% of excess over \$26,000;

Over \$30,000, but not over \$34,000—\$3,315.00 plus 18.0% of excess over \$30,000;

Over \$34,000, but not over \$38,000—\$4,035.00 plus 20.0% of excess over \$34,000;

Over \$38,000—\$4,835.00 plus 22.0% of excess over \$38,000.

(b) Tax on head of household; rate. There shall be assessed, levied, collected, and paid, for each taxable year on the taxable income of every individual who is a head of household, a tax in the following amounts:

If the taxable income is:

Not over \$500, the tax shall be 2.25% of taxable income;

Over \$500, but not over \$1,000—\$11.25 plus 2.75% of excess over \$500;

Over \$1,000, but not over \$1,500—\$25.00 plus 3.9% of excess over \$1,000;

Over \$1,500, but not over \$2,000—\$22.50 plus 4.1% of excess over \$1,500;

Over \$2,000, but not over \$3,000—\$65.00 plus 5.5% of excess over \$2,000;

Over \$3,000, but not over \$5,000—\$120.00 plus 6.6% of excess over \$3,000;

Over \$5,000, but not over \$10,000—\$252.00 plus 7.9% of excess over \$5,000;

[Over \$10,000, but not over \$20,000—\$647.00 plus 9.15% of excess over \$10,000;

Over \$20,000, but not over \$30,000—\$1,562.00 plus 10.05% of excess over \$20,000;

Over \$30,000, but not over \$40,000—\$2,567.00 plus 10.05% of excess over \$30,000;

Over \$40,000, but not over \$60,000—\$3,617.00 plus 10.75% of excess over \$40,000;

Over \$60,000—\$5,757.00 plus 11% of excess over \$60,000;

Over \$10,000, but not over \$14,000—\$647.00 plus 9.6% of excess over \$10,000;

Over \$14,000, but not over \$18,000—\$1,031.00 plus 11.0% of excess over \$14,000;

Over \$18,000, but not over \$22,000—\$1,471.00 plus 12.5% of excess over \$18,000;

Over \$22,000, but not over \$26,000—\$1,971.00 plus 14.0% of excess over \$22,000;

Over \$26,000, but not over \$30,000—\$2,531.00 plus 15.5% of excess over \$26,000;

Over \$30,000, but not over \$34,000—\$3,151.00 plus 19.0% of excess over \$30,000;

Over \$34,000, but not over \$38,000—\$3,831.00 plus 19.0% of excess over \$34,000;

Over \$38,000, but not over \$42,000—\$4,591.00 plus 21.0% of excess over \$38,000;

Over \$42,000—\$5,431.00 plus 22.0% of excess over \$42,000;

(c) In lieu of computation of the tax as above provided, the tax shall be computed as follows when this subsection is applicable:

(1) Reduce the taxable income by an amount equal to fifty per cent of the excess of the net long-term capital loss for the taxable year, and apply to the taxable income, so reduced, the rates provided by subsection (a) or (b).

(2) Apply to the entire amount of the excess of the net long-term capital gain over the net short-term capital loss for the taxable year, a tax of [four] eight per cent.

(3) Add the resultant two amounts; this constitutes the tax if less than the tax computed under subsection (a) or (b).'

SECTION 2 is amended to add the following net subsections 6a, 6b, 6c and 6d:

'6a. Section 235-56 is repealed.

[Sec. 235-56 Tax credit against individual net income taxes. (a) Tax credit for resident taxpayer. Each resident taxpayer who files an individual net income tax return for a taxable year and who is not claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for federal or Hawaii state individual net income tax purposes may claim tax credits against his individual net income tax liability or as otherwise provided below for the taxable year for which the individual net income tax return is being filed; provided that a husband and wife filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credit to which they would have been entitled had a joint return been filed; and provided that a resident individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for federal or Hawaii state individual net income tax purposes may also claim tax credits as set forth in this section.

(b) Modified adjusted gross income. Each resident taxpayer who claims tax credits as set forth in this section shall declare in addition to his income taxable under this chapter, the following income presently exempt from income taxation: social security benefits, unemployment compensation benefits, workmen's compensation benefits, interest on tax-free securities, public assistance payments, pensions, and annuities, cost of living allowances paid to federal employees, and proceeds from life insurance. The modified gross income of a resident taxpayer for the purposes of this section shall be the sum of his adjusted gross income for income tax purposes, if any, the income exempt from income taxation, if any, declared pursuant to this subsection.

(c) Tax credit schedule. Each taxpayer may claim tax credits in the amount indicated for each modified adjusted gross income bracket as shown in the schedule below.

Modified Adjusted Income Brackets	Tax Credits Per Qualified Exemption
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\$0-\$999	\$21
\$1,000-\$1,999	20
\$2,000-\$2,999	18
\$3,000-\$3,999	17
\$4,000-\$4,999	13
\$5,000-\$5,999	9
\$6,000-\$6,999	5
\$7,000-\$7,999	3
\$8,000-\$9,999	1

(d) Qualified exemption defined. For the purposes of this section, a qualified exemption is defined to include those exemptions permitted under this chapter; provided that the person for whom exemption is claimed has physically resided in the State for more than nine months during the taxable year; and provided further that multiple exemptions shall not be granted because of advanced age or deficiencies in vision.

(e) Tax credits to be deducted from income tax liability, if any; refunds. The tax credits by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual net income tax liability, if any, for the tax year in which they are properly claimed. In the event the tax credits claimed by a resident taxpayer, and allowed, exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer, provided that tax credits properly claimed by a resident individual who has no income tax liability, and allowed, shall be paid to the resident individual; and further provided that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than \$1.

(f) Forms and rules and regulations. The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits hereunder. The form shall be made an integral part of the individual net income tax return. He shall also be empowered to promulgate such rules and regulations as may be necessary to effectuate the purposes of this section pursuant to chapter 91.

(g) Assessments and refunds. All of the provisions relating to assessments and refunds under this chapter and under section 231-23(d) shall be made applicable hereto and shall apply with equal force to the tax credits hereunder.

(g) Time for filing. Claims for tax credits under this section, including any amended claims thereof, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provisions shall constitute and be deemed a waiver of the right to claim or recover the credit hereunder.

(i) Tax credits for drug and medical expenses. In addition to the credits provided by this section, a resident taxpayer or resident individual as defined in subsection (a) may claim tax credits as provided below on account of drug or medical expenses paid during the tax year. For purposes of this subsection, drug and medical expenses mean all expenses allowable in computing the drug and medical deduction for State income tax purposes, or which would have been allowable except for the fact that the expense was compensated by hospital, health, or accident insurance, or except for the fact that an itemized tax return was not filed; provided the transaction causing the expense was subject to the tax imposed by chapters 237 or 238. An itemized list of the expenses shall accompany the claim. All provisions of this section shall be applicable to claims for these tax credits except subsection (c). Each taxpayer may claim tax credits in the amount indicated for each modified adjusted gross income bracket as shown in the schedule below.

Modified Adjusted Gross Income Brackets	Tax Credits
Under \$5,000	4% of drug and medical expenses
\$5,000 to \$7,999	3% of drug and medical expenses
\$8,000 to \$10,999	2% of drug and medical expenses
\$11,000 to \$13,999	1% of drug and medical expenses

provided each taxpayer over age sixty-five may claim double the tax credit for each modified adjusted gross income bracket as shown in the above schedule.']

'6b. Section 235-56.5 is repealed.

[Sec. 235-56.5 Tax credits to low-income household renters. (a) For the purposes of this section:

'Adjusted gross income' is defined in the manner set forth in Section 235-1.

'Rent' means the amount actually paid in cash in any taxable year for the occupancy of a dwelling place which is used by him or his immediate family as the principal residence in this State;

The rent shall be limited to the amount paid for the occupancy of the dwelling place only, and it shall be exclusive of charges for utilities, parking stalls, storage of goods, yard services, furniture, furnishings and the like. The rent shall be exclusive of any rental claimed as a deduction from gross income and/or adjusted gross income for income tax purposes, any ground rental paid for use of land only, and any rent allowance or subsidies received.

(b) Each resident taxpayer who occupies real property as his residence for which he has paid rent and which is not partially or wholly exempted from the real property tax, and who is not eligible to be claimed as a dependent for federal or state income taxes by another, and who files an individual net income tax return for a taxable year may claim tax credits against his Hawaii state individual net income tax; provided that the claimant was a resident of Hawaii and he or his immediate family shall have occupied the residence for which he has paid rent during the taxable year for which he files for credit under this section.

(c) Each claimant may claim tax credits, expressed as a percentage of rent paid during the taxable year based on the following schedule.

Income Brackets Adjusted Gross Income	Tax Credits Percent of Rent
Under \$10,000	2.0% of rent
\$10,000 but less than \$12,500	1.½% of rent
\$12,500 but less than \$15,000	1% of rent

(d) If a rental unit is occupied by two or more individuals, and more than one

individual is able to qualify as a claimant, the claim for credit shall be based upon a percentage of the individual's share of the rent paid.

(e) The tax credits claimed by a taxpayer pursuant to this section shall be deductible from the taxpayer's individual net income tax liability, if any, for the tax year in which such credits are properly claimed, provided that a husband and wife filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credits to which they would have been entitled had a joint return been filed. In the event the tax credits claimed by a taxpayer, and allowed, exceed the amount of the income tax payments due shall be refunded to the taxpayer; provided that tax credits properly claimed by an individual who has no income tax liability, and allowed, shall be paid to the individual; and provided further that no refunds or payments on account of the tax credits allowed by this section shall be made for amounts less than \$1.

(f) The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits hereunder. He may also require that the taxpayer furnish proof in order that he may ascertain the validity of the claim for tax credits made pursuant to this section and promulgate any rules and regulations as he may deem necessary to effectuate the purposes of this section pursuant to chapter 91.

(g) All of the provisions relating to assessments and refunds under this chapter and under section 231-23(d)(1) shall be made applicable hereto and shall apply with equal force to the tax credits hereunder.

(h) Claims for tax credits under this section, including any amended claims thereof, must be filed on or before the end of the twelfth month following the taxable year for which the credit may be claimed.]

'6c. Section 235-57 is repealed.

[Sec. 235-57 Tax credits for student attend institutions of higher education and for dependent children attending school in grades kindergarten to twelve.

(a) For purposes of this section, an institution of higher education is defined to include technical schools, institutes, junior colleges, colleges, universities, and like institutions offering a formal educational program of a professional, academic, or occupational nature beyond the high school level.

(b) For each person, constituting a personal exemption allowed a taxpayer under the Internal Revenue Code and section 235-54, who was duly registered and in attendance as a student in an institution of higher education for not less than one-half of the course work of a full-time student at such institution and for not less than three months of the taxable year for which an individual net income tax return was filed, or who was enrolled and in attendance as a student at school in grades kindergarten through twelve for not less than three months of the taxable year for which an individual net income tax return was filed, there shall be allowed to such resident taxpayer claiming such exemption, tax credits in the amount indicated for each adjusted gross income tax bracket as shown in the table below; provided, that no person who is claimed, or is eligible to be claimed as a dependent, for federal or Hawaii state individual net income tax purposes by another shall be allowed to claim the tax credit as provided in this section.

Adjusted Gross Income Brackets	Tax Credits Per Exemption Attending:	
	K-1	An Institution of Higher Education
Under \$3,000	\$20	\$50
\$3,000 to \$3,999	\$15	30
\$4,000 to \$4,999	\$10	20
\$5,000 to \$5,999	\$ 5	10
\$6,000 to \$6,999	\$ 2	5

(c) The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the taxpayer's

individual net income tax liability, if any, for the tax year in which they are properly claimed, provided that a husband and wife filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credits to which they would have been entitled had a joint return been filed. In the event the tax credits claimed by a resident taxpayer, and allowed, exceed the amount of the income tax payments due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that tax credits properly claimed by a resident individual who has no income tax liability, and allowed, shall be paid to the resident individual; and further provided that no refunds or payments on account of the tax credits allowed by this section shall be made for amounts less than \$1.

(d) Time for filing. Claims for tax credits under this section, including any amended claims thereof, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with the foregoing provisions shall constitute a waiver of the right to claim or recover the credits hereunder.

(e) The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits hereunder. He may also require that the taxpayer furnish reasonable information in order that he may ascertain the validity of the claims for tax credits made pursuant to this section and promulgate any other rules and regulations as may be necessary to effectuate the purposes of this section pursuant to chapter 91.

(f) All of the provisions relating to assessments and refunds under this chapter and under section 231-23(d) shall be made applicable hereto and shall apply with equal force to the tax credits hereunder.']

'6d. A new section to be appropriately designated and to read as follows is added:

Sec. 235— Excise tax credit. (a) Each resident taxpayer, who files an individual income tax return for a taxable year, and who is not claimed or is not otherwise eligible to be claimed as a dependent by

another taxpayer for federal or Hawaii state individual income tax purposes, may claim an excise tax credit against his individual income tax liability for the taxable year for which the individual income tax return is being filed; provided that a husband and wife filing separate returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled had a joint return been filed; and provided that a resident individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for federal or Hawaii state individual income tax purposes may also claim tax credits as set forth in this section.

(b) Tax credit schedule. Each taxpayer may claim tax credits in the amount indicated for each adjusted gross income bracket as shown in the schedule below multiplied by the number of qualified exemptions to which he is entitled.

#### EXCISE TAX CREDIT SCHEDULE

Adjusted Gross Income	Tax Credit
<u>Under \$ 5,000</u>	<u>26</u>
<u>\$ 5,000 under \$ 6,000</u>	<u>24</u>
<u>6,000 under 7,000</u>	<u>22</u>
<u>7,000 under 8,000</u>	<u>20</u>
<u>8,000 under 9,000</u>	<u>18</u>
<u>9,000 under 10,000</u>	<u>16</u>
<u>10,000 under 11,000</u>	<u>14</u>
<u>11,000 under 12,000</u>	<u>12</u>
<u>12,000 under 13,000</u>	<u>10</u>
<u>13,000 under 14,000</u>	<u>8</u>
<u>14,000 under 15,000</u>	<u>6</u>

(c) Qualified exemption defined. For the purposes of this section, a qualified exemption is defined to include those exemptions permitted under this chapter; provided that a person for whom exemption is claimed has physically resided in the State for more than nine months during the taxable year; and

provided further that multiple exemption shall not be granted because of advanced age, deficiencies in vision or hearing, or other disability.

(d) Tax credits to be deducted from income tax liability, if any; refunds. The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual income tax liability, if any, for the tax year in which they are properly claimed. In the event the tax credits claimed by a resident taxpayer exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that tax credits properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual; and provided further that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than \$1.00.

(e) All claims for tax credits under this section, including any amended claims must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit.

Subsection 8 of SECTION 2 is amended to read as follows:

On page 40, line 16, so much as reads '3.08' is amended to read '6';

On page 40, line 19, so much as reads '6' is amended to read '7';

On page 40, line 21, so much as reads '7' is amended to read '10';

On page 41, line 6, so much as reads '6' is amended to read '7';

On page 41, line 8, so much as reads '7' is amended to read '10' and so much as reads '3.08' is amended to read '6';

On page 41, line 13, so much as reads '3.08' is amended to read '6';

On page 41, line 17, so much as reads '3.08' is amended to read '6';

On page 42, line 4, so much as reads

'6' is amended to read '7'; and

On page 42, line 6, so much as reads '7' is amended to read '10' and so much as reads '3.08' is amended to read '6'.

SECTION 4 is amended to read as follows:

On page 48, line 1, so much as read 'one-half' is amended to read 'one-quarter';

On page 48, line 17, so much as reads 'one-half' is amended to read 'one-quarter';

On page 48, line 21, so much as reads 'half' is amended to read 'quarter';

On page 51, line 21, so much as reads 'one-half' is amended to read 'one-quarter';

On page 51, line 25, so much as reads 'one-half' is amended to read 'one-quarter';

On page 52, line 4, so much as reads 'one-half' is amended to read 'one-quarter';

On page 52, line 11, so much as reads 'one-half' is amended to read 'one-quarter';

On page 56, line 17, so much as reads 'one-half' is amended to read 'one-quarter';

On page 56, line 20, so much as reads 'one-half' is amended to read 'one-quarter';

On page 57, line 3, so much as reads 'one-half' is amended to read 'one-quarter';

On page 57, line 5, so much as reads 'one-half' is amended to read 'one-quarter';

On page 57, line 9, so much as reads 'one-half' is amended to read 'one-quarter';

On page 57, line 14, so much as reads 'one-half' is amended to read 'one-quarter';

On page 58, line 4, so much as reads 'one-half' is amended to read

'one-quarter';

On page 58, line 8, so much as reads 'one-half' is amended to read 'one-quarter';

On page 58, line 18, so much as reads 'one-half' is amended to read 'one-quarter';

On page 58, line 20, so much as reads 'one-half' is amended to read 'one-quarter';

On page 58, line 23, so much as reads 'one-half' is amended to read 'one-quarter';

On page 58, line 23, so much as reads 'one-half' is amended to read 'one-quarter';

On page 61, line 3, so much as reads 'one-half' is amended to read 'one-quarter';

On page 61, line 3, so much as reads 'half' is amended to read 'quarter';

On page 61, line 10, so much as reads 'one-half' is amended to read 'one-quarter';

On page 61, line 13, so much as reads 'one-half' is amended to read 'one-quarter';

On page 62, line 5, so much as reads 'half' is amended to read 'quarter';

On page 62, line 6, so much as reads 'one-half' is amended to read 'one-quarter';

On page 62, line 8, so much as reads 'one-half' is amended to read 'one-quarter';

On page 62, line 9, so much as reads 'one-half' is amended to read 'one-quarter';

On page 66, line 5, so much as reads 'one-half' is amended to read 'one-quarter';

On page 66, line 8, so much as reads 'one-half' is amended to read 'one-quarter'; and

On page 66, line 11, so much as reads 'one-half' is amended to read

'one-quarter'.

SECTION 6 is amended to read as follows:

On page 72, line 12, so much as reads 'one-half' is amended to read 'one-quarter';

On page 72, line 13, so much as reads 'one-half' is amended to read 'one-quarter';

On page 72, line 17, so much as reads 'one-half' is amended to read 'one-quarter'.

SECTION 8 is amended to read as follows:

On page 73, line 6, so much as reads 'one-half' is amended to read 'one-quarter';

On page 73, line 11, so much as reads 'one-half' is amended to read 'one-quarter';

On page 73, line 15, so much as reads 'one-half' is amended to read 'one-quarter';

On page 74, line 1, so much as reads 'one-half' is amended to read 'one-quarter';

On page 74, line 4, so much as reads 'one-half' is amended to read 'one-quarter';

On page 74, line 14, so much as reads 'one-half' is amended to read one-quarter';

On page 74, line 16, so much as reads 'one-half' is amended to read 'one-quarter';

On page 74, line 20, so much as reads 'half' is amended to read 'quarter'.

SECTION 15 is amended to read as follows:

On page 87, line 8, so much as reads 'twenty-two' is amended to read 'forty'.

SECTION 17 is amended to read as follows:

On page 89, line 7, so much as reads 'forty-four' is amended to read 'sixty'."

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

Representative Wong rose and spoke for the amendment as follows:

"The amendment deals with five particular tax revenue areas. For a long time, it has been said that there should be some movement relative to the individual income tax. This proposes that we tax those people with the ability to pay the most and protect those people who are able to pay the least. This will bring in a yield of \$8.55 million for the biennium.

Secondly, the amendment addresses itself to the corporate income tax. This yield will be between \$7.7 million to \$9.5 million more than has been proposed in the House draft.

Thirdly, is the question of tax increase. This particular amendment would raise \$15.2 million in tax credits. This particular amendment would raise \$15.2 million in tax credits over and above the present credits provided for individuals.

Fourthly, it has some reference to the general excise tax. It proposes that we cut down on the House proposal of 4½ percent to 4¼ percent, which would yield in the neighborhood of \$21.3 million.

Fifthly, the liquor and tobacco taxes. The liquor taxes doubled over the present rate from 20 to 40 percent. The tobacco tax is increased from 40 to 60 percent. The yield from these increases will be an additional 31.4 million. I ask my colleagues to vote 'yes' on this amendment."

Representative Suwa rose and spoke against the amendment stating that the House financial plan should be consistent with the operating budget.

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

Representative R. Garcia rose and spoke against S.B. No. 1283 as follows:

"Mr. Speaker, this bill throughout favors the wealthy. In a state where the cost of living is one of the highest in the nation, where housing is a critical situation priced out of the reach of low

and moderate income people, where the man on the bottom half of the income totem pole is hit the hardest for taxes under our existing system of taxation, this bill does nothing to help him.

Here we see the continuation of special treatment given to capital gains. I do not understand how we can continue this practice, as allowed for under this bill. People of low and middle income have practically no benefit from this kind of income—that is, money made by resale of property, stocks and bonds. It is the rich—people with income over \$500,000—that accumulate more than half their income from capital gains. Seventy-five percent of the total capital gains are received by people in this high income bracket. What this bill allows for, in its preferential treatment of capital gains income, is perhaps seen more clearly in an example. Take the laborer, a carpenter, who earns \$10,000 a year in wages. The carpenter would pay a State tax of \$715. But another person who earns the same amount pays \$400 in taxes by selling his stocks. Our carpenter, therefore, would be paying a full 46 percent more tax than the other person, because of special treatment of capital gains. Why, then, is this kind of income taxed at a lower rate than income earned by wages and salaries? I would think that the unions would take a very strong position in regards to this particular area.

A more cumulative effect of letting capital gains receive preferential treatment is that it spurs speculation and contributes to Hawaii's high real estate and housing costs. As we see today, the housing crisis largely hurts the low and moderate income person who must find dwelling for his or her family within limited financial resources.

In further regards to the individual income tax proposed here, is that nothing has been done to rid the tax of its other existing loopholes. This, once again, favors the wealthy. While schedule rates of the State individual income tax seem at first glance progressive, they are actually regressive. The individual income tax continues in not including many other indirect sources of income utilized by the rich: life insurance interests, charitable contributions, exclusion of dividends, export sales exemptions, and so on.

With better thinking, we should have laundered the effective regressivity out of this income tax by taking away any special treatment of capital gains and amending the tax rate schedule so that loopholes for the wealthy would be cleared off the books. Then, and only then, after making the income tax truly progressive and equitable could you increase it. But since we have not the former of bettering the tax structure, we dare do the latter of raising it as is proposed here.

Secondly, this bill does not go far enough in having businesses and non-residents assume their full share of the tax burden. A corporate income tax is one of the most effective ways to tax non-residents with business interests in Hawaii. These people indirectly receive benefits from State governmental services, and ought to pay a larger share of government costs. University of Hawaii tax economists, in analyzing increased taxes on corporate profits, have found that out of every \$1 of increased business profits tax, over two-thirds will be paid by non-resident stockholders and the federal government due to State deductions on federal returns.

Yet, this bill largely ignores this potential revenue source. Some of us, perhaps with more concern in the business of businesses than the business of the public, will say that to raise corporate income taxes will scare away industry, and hurt the economy. There is overwhelming evidence that State and local taxes on business, in fact, do not discourage business growth in a state. Further, Hawaii is rated by the United States Advisory Commission on Intergovernmental Relations, in a study published just last year, as being the second lowest in taxes on industry in the entire nation.

It is with great inequity that this bill proposes so little burden on corporate profits, while placing so heavy a burden on an overall effective regressive general excise tax structure.

No one disputes that the general excise tax is a regressive one. Every study on the matter, including one contracted for by this State at a cost of \$70,000 in 1968, tells us the same thing: the general excise tax places a heavier burden on those least

able to pay—people in the low and middle income categories. Yet, in essence, what this bill would do is further aggravate an already intolerable means of taxation.

The proposed increase of the general excise, even by half a percent, is openly regressive to our citizens. And, to make things worse, we see no move to allow increased resident tax credits to those in low and moderate incomes. As it presently stands now, when a person's income increases, the burden of taxes, percentage-wise, decreases, favoring the wealthy. This bill proposes to make that situation worse: the result being a regressive tax made even more regressive.

In closing, I would like to quote an observation made in a study done by the Economic Research Center of the University of Hawaii, completed in January of this year:

'Hawaii's reputation as fiscal pioneer is well established. And the results have been favorable—when judged against generally accepted criteria of a high quality tax system, Hawaii ranks among the best of 50 states. But as Hawaii moves into the seventies and the State's economic structure becomes increasingly mobile and open, it will be required of the Legislature to reexamine the State's fiscal structure...'

It is unfortunate, Mr. Speaker, that we move in a direction opposite the reputation we have so enjoyed in the past.

This tax proposal before us is quite simply a very bad one. It taxes residents while ignoring non-residents who indirectly use our public services. It is a severely regressive measure, more regressive than what we presently have. It is a proposal which is not sufficiently responsive to economic growth, making it likely for this State to find itself too soon in the same dilemma as we see ourselves in today: the need for more revenues to cover the cost of governmental operations.

I don't deny the fact that there is a need for raising more revenues to offset our growing State deficit. But let us endeavor to give the average man the break, which this tax proposal does not. By not favoring this tax proposal which will hurt so many of them, we will be

favoring the people of Hawaii. And I think that is what we were all elected to do.

Therefore, I urge all of you here tonight to vote 'no' on this bill before us."

Representative Cobb rose and spoke against the measure as follows:

"We have before us a bill, which if passed, will systematically undermine the economy of our State and will help make Hawaii's cost of living the highest in the nation.

I say we cannot afford such a bill. We cannot afford to raise taxes before we drastically reduce government spending.

But how much of a cut have we really made in government spending? Bills and plans are laid before us that call for full steam ahead on the construction of both a four-year medical school and a West Oahu campus. That is not a cut in government spending.

Hawaii presently has one of the highest tax burdens in the nation. The April 2 issue of U.S. News and World Report, in a nationwide study of State income taxes made the following points about Hawaii:

1. A family of four earning \$10,000 a year now pays about \$285 in State income taxes—the sixth highest rate in the nation.

2. A family of four earning \$17,500 a year now pays about \$704 in State income taxes—the third highest rate in the nation.

3. That same family with a \$25,000 income now pays \$1,231 in State income taxes—the fourth highest tax rate in the nation.

If we increase such regressive taxes as the excise tax, we will be making it increasingly difficult for any family to survive in Hawaii. Furthermore, we will be moving this State ever closer to being the highest taxed State in the nation.

There have been attempts to justify these tax increases as so-called 'soak-the-rich' proposals. Let's not kid ourselves. An income of \$15,000 a year is

not a high income when both the husband and wife are working. In fact, it is just about average in Hawaii and at best is not enough to qualify for a home on today's market. And that average income bracket will be the one carrying the greatest portion of the tax burden.

We are approaching the level in our tax structure where it no longer pays to work. Instead, more and more people are giving up, reducing their incomes, or going on welfare. In short, we are destroying the incentive to earn. When we do that, we are destroying this State's economy.

Government at present is so large and so expensive that it has become an intolerable burden. Today, in Hawaii, one out of four in the labor force works for a government, be it federal, State or county. This is the highest rate per capita of any state in the nation. Yet still the calls goes forth for more taxes and more spending.

We are told that the proposed excise tax is only 'temporary'—that in fact it will be reduced after two years. Yet when does a government in need give up its revenues? If a deficit of \$40 million remains after two years, can anyone claim that tax will be reduced, or will there be another trade-off at the expense of the taxpayer.

These are questions our constituents are asking and they deserve an answer.

This House has ignored other tax proposals, such as parking lot assessments and anti-speculation taxes, to name but two.

While ignoring tax alternatives, we have also ignored the mandate to cut government spending. Instead, we see a four-year medical school, a West Oahu campus and a C.I.P. budget in excess of \$200 million.

So once again, this House chooses to mortgage the future of our citizens for the sake of pork barrel projects under the guise of capital improvements.

A fuel tax and an excise tax are both regressive. The most progressive item before us is the level of government spending—that always increases.

Yet some of the taxes before us do have merit. They are the result of hard work and creative thinking. But the tragedy remains that these tax proposals are not offered individually, but only as a package—on a take it or leave it basis. I prefer to leave it.

Consider if you will that for every dollar we take out in taxes, it has the effect of five dollars out of the economy. To quote Mr. Fred Bennion, Director of the Tax Foundation of Hawaii: 'The plain fact is that government at all levels is taking too much of our income--estimated at 43% currently. Efforts to control costs of programs have all failed--defeated because of too many special interest groups, including the bureaucrats.'

How many of us have really considered the burden these taxes will impose on the middle income working man?

There are many sitting here today who campaigned either for tax reform, or against tax increases. Some campaigned for tax reduction. I hope they will stand and be counted and remembered in today's vote. Six months ago, I promised to oppose both an income and an excise tax. Today I will keep that pledge and I ask each member of this House to do the same."

Representative Ajifu rose and spoke against the bill as follows:

"First and most important, Mr. Speaker, I wish to ask: why are we asked to approve a program which will result in an additional \$100 million tax burden on Hawaii's residents without knowing what this money is for: I find it totally foolish and incomprehensible that this Honorable Body should even be asked to commit itself to such a move toward increased taxes without any official information as to why this money is needed and, most important, what this money will be used for. Are we going to simply rubber stamp a blank check for yet another spending spree?

I believe it is far more rational to resolve our money problems through a problem of judicious cost savings, spending restraint and tax limitation—not tax increases. I am not convinced by the

limited and faulty logic of the Committee report accompanying this tax bill that these alternatives have been given adequate consideration. I, therefore, ask that such an examination be made before this Honorable Body is asked to decide on the ominous question of millions and millions of dollars in new taxes.

I further call to your attention the unhappy fact that this tax bill is virtually devoid of any reform in our tax process. While pious sentiments are expressed voicing concern for our local taxpayers, particularly those in the low and middle income brackets, I note with regret that the tax package before us is built almost entirely around the imposition of a rise in the excise tax—a tax which falls almost heavily on our less wealthy residents who are already overburdened.

Let me make it absolutely clear that I for one will have no part in adding to the already crushing tax burden of the excise tax on Hawaii's people, and I would caution each and every member of this Legislature to do the same. We have heard the voice of the people on this matter; let us respond accordingly.

In summary, I call on this Honorable Body to reject this bill. We definitely know that Hawaii's people want no part of increased excise taxes—and this is the biggest part of the bill before us. And finally, it is simply impossible and irresponsible for this Body to vote for increase in tax revenues without any knowledge as to what these funds are going to be used for.

For these reasons, I urge this Honorable Body to vote against the proposal now before us.”

Representative Suwa rose and spoke in favor of the bill stating that the State has already signed the collective bargaining agreement and in order to fulfill that commitment, a slight increase in taxes is necessary.

Representative O'Connor rose and spoke in favor of the bill as follows:

“Mr. Speaker, in the flowing rhetoric of the evening, some of us forget that on March 12, 1973, a representative of the Governor of this State appeared before this Honorable Body and indicated to us that to balance our budget as he saw it,

we would first have to chop \$70 million out of his proposed operating budget and then we would have to raise \$255.6 million in taxes.

I am not a member of your Finance Committee, but I think that it should be brought very clearly to this Body and to the public that our Finance Committee in laborious effort and in really doing a mammoth job on the budget has succeeded in asking for a tax increase of \$112.9 million—half of what the Governor wanted us to raise in taxes. The Governor wanted us to raise the excise tax to 5 percent and in two years to reduce it to 4½ percent and leave it there. Your Finance Committee suggests that we raise this tax for two years for 4½ percent and then return it to its present level. Regressive: Mr. Speaker, I say progressive, if that solves our present situation or helps to solve it.

The Governor proposed that we have an across-the-board 10 percent surcharge on income. Much rhetoric has progressed this evening regarding regressive tax on people in low-income brackets. I ask you whether or not that particular tax would be more regressive or less regressive than a simple one-half percent increase in excise tax. The Governor asked for a variety of other tax measures, most of which your Finance Committee has chosen to put to one side. I, for one, as a non-member of that Committee, congratulate them on their efforts in this matter, and I would ask the other members of this Body to vote 'aye' on this particular bill.”

The motion was put by the Chair and, roll call having been requested, S.B. No. 1283 passed Third Reading by a vote of 27 ayes to 24 noes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Kato, Leopold, Lunasco, Medeiros, Oda, Poepoe, Saiki, Soares, Uechi, Wasai, Wong, Yamada and Yim voting no.

Consideration of Stand. Com. Rep. No. 739 on S.B. No. 1227 which had been deferred to this day.

Representative Suwa moved that S.B. No. 1227, as amended, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Yim then rose and spoke against the bill as follows:

“I do not wish my remarks to be considered as being in opposition to State assistance to our Neighbor Islands. Nothing could be further from the truth.

What I am asking for, Mr. Speaker, is nothing more or less than equal treatment for 83 percent of this State’s population—the people, the taxpayers, the voters of Oahu.

The plain fact is that S.B. No. 1227, SD 1, HD 2 will reduce State aid to Oahu by \$6.1 million over the next two years while increasing assistance to the Neighbor Islands. I oppose this bill on the simple grounds that it is not fair.

We all realize that the major source of revenue for the county governments is the real property tax. We also know that Oahu residents have for years paid a higher real property tax rate than residents of our Neighbor Islands.

At the same time, real estate on Oahu is appraised at a higher value than comparable property on the Neighbor Islands. Therefore, the people of Oahu have been paying more than their fair share of the cost of their local government. Of this there can be no doubt.

Last year, the people of Oahu received about \$13 per capita in State aid. By comparison, residents of Maui County received \$61 per capita. Big Island residents were given nearly \$65 per capita, and each person on Kauai received \$101 from the State government.

Further, State aid in 1971 to Oahu represented only 6 percent of Oahu’s operating budget. On the other hand, State aid to the Big Island amounted to 28 percent of the Big Island’s operating budget. For Maui—33 percent and for Kauai—43 percent. In other words, for Kauai, almost half of its operating budget was subsidized by the State.

Therefore, even without this bill, State aid already favors the Neighbor Islands and discriminates against Oahu. Passage of this bill will further compound this injustice already existing against Oahu taxpayers by further reducing State aid to Oahu without doing the same to the

Neighbor Islands.

It is about time that Oahu taxpayers got angry and asked for fair and equal treatment from us legislators. And, we in this Honorable Body, should not wait around until our angered constituents come after us before we do anything for them. Now is the time to act by voting down S.B. No. 1227, SD 1, HD 2. Thank you.”

Representative Suwa rose and spoke for the passage of the bill stating that if one were to analyze just one tax area, then the previous speaker may be correct. However, if one were to analyze the whole State expenditure—the area of higher education, lower education, health, judiciary, then one would see that the intent of the original bill is to build a strong economic base on our Neighbor Islands.

The motion was put by the Chair and the report of the Committee was adopted and S.B. No. 1227, as amended, passed Third Reading by a roll call vote of 36 ayes to 15 noes, with Representatives Ajifu, Carroll, Cobb, Fong, R. Garcia, Kato, King, Leopold, Lunasco, Oda, Soares, Uechi, Wasai, Wong and Yim voting no.

Consideration of Stand. Com. Rep. No. 740 on S.B. No. 1295, as amended, which had been deferred to this day.

Representative Suwa moved that Stand. Com. Rep. No. 740 be adopted and S.B. No. 1295, as amended, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Young rose on a point of information and inquired whether housing if flat granted in the House version of the budget.

Representative Suwa replied that the House budget reflects a semi-flat grant approach for the first six months, where in the case that one would not be able to meet the rental payments, there will be sufficient money to aid him.

Representative Kato then offered the following amendment to the bill:

“Senate Bill No. 1295, SD 1, HD 2, is amended to read as follows:

In SECTION 3, on page II-27,  
for the program, Monetary Payments for  
Food, Sec. 201, so much as reads:

'17,054,259' is amended to read  
'17,570,028'; so much as reads

'11,192,671' is amended to read  
'11,477,836'; so much as reads

'18,431,468' is amended to read  
'19,740,882'; so much as reads

'12,573,311' is amended to read  
'37,310,910'; and so much as reads

'23,765,982' is amended to read  
'24,760,869'; and

for the program, Monetary Payments for  
Clothing, Sec. 211, so much as reads

'1,932,507' is amended to read  
'1,976,715'; so much as reads

'1,238,600' is amended to read  
'1,263,043'; so much as reads

'2,169,485' is amended to read  
'2,281,505'; so much as reads

'1,411,576' is amended to read  
'1,472,207'; so much as reads

'4,101,992' is amended to read  
'4,258,220'; and so much as reads

'2,650,176' is amended to read  
'2,735,250'; and

on page II-28, for the program, Other  
Items Related to a Standard of Living,  
Sec. 307, so much as reads '6,595,426' is  
amended to read

'6,845,942'; so much as reads '4,435,073'  
is amended to read

'4,573,582'; so much as reads '6,909,572'  
is amended to read

'7,544,348'; so much as reads '4,909,729'  
is amended to read

'5,253,306'; so much as reads  
'13,504,995' is amended to read

'14,390,290'; and so much as reads  
'9,344,802' is amended to read  
'9,826,888'."

Representative Kato moved that the  
amendment be adopted, seconded by  
Representative Wasai.

Representative Kato rose and spoke  
for the amendment as follows:

"Very simply, the amendment restores  
the three percent cost of living allowance  
cut by the Finance Committee. Over the  
last ten years, the cost of living has been  
increasing at an alarming rate. For the  
past five years, this Legislature has  
granted welfare clients an annual three  
percent cost of living increase. However,  
even with this increase, recipients'  
purchasing power has been steadily  
declining over the years.

In December, 1971, the Honolulu  
consumer price index stood at 121.1 with  
the 1967 level equal to 100. The index  
had increased 4.7 percent in the  
preceding 12 months; 9.1 percent since  
December 1969; and 34.9 percent since  
December 1961. The Bureau of Labor  
Statistics moderate budget for a  
four-person family on Oahu was 19  
percent higher than the corresponding  
urban United States average in 1971.

From 1967, when the Legislature  
began granting the annual three percent  
cost of living increase to December of  
1972, the cost of living index rose 22.6  
percent. During the same period increases  
to welfare clients amounted to only 15  
percent, leaving the recipients with a 7.6  
percent net decrease in purchasing power.

And yet we, in the House, are cutting  
out the three percent cost of living  
allowance. Why do we have to save at the  
expense of those who can least afford it.  
Why, at the expense of welfare recipients  
who are really getting far less than what  
they need.

When one takes note of the proposed  
excise tax increase which really hits the  
poor, the rising cost of living and the  
threat of flat granting housing and  
utilities in January, 1974, we'd be  
compounding the felony, the injury to  
the welfare recipients, if we do not  
restore the three percent in question."

Representative Suwa rose and spoke  
against the amendment stating that the  
three percent cost of living allowance was  
not reflected in the administration

budget, so, in essence the Finance Committee did not cut the three percent cost of living allowance out. The conference committee, however, will be free to consider the aspect of a three percent cost of living allowance.

The motion to adopt the amendment was put by the Chair and, roll call being requested, the amendment failed to carry by a vote of 30 noes to 21 ayes, with Representatives Aduja, Ajifu, Aki, Amaral, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, Kato, King, Leopold, Lunasco, Medeiros, Oda, Soares, Uechi, Wasai, Wong, Yamada and Yim voting aye.

Representative Yim offered the following amendment to S.B. No. 1295, as follows:

“SECTION 1. Senate Bill 1295, SD 1, HD 2, is amended as follows:

1. By deleting items H. 20 to H. 26 of Part IV, Section 44.

2. By renumbering items H. 27 to H. 34 as H. 20 to H. 27 of Part IV, Section 44.”

Representative Yim moved that the amendment be adopted, seconded by Representative R. Garcia.

Representative Yim rose and spoke for the amendment as follows:

The House draft of the proposed budget under consideration appropriates \$1,692,963 annually to the Hawaii Visitors Bureau for the next biennium. This amendment would reduce that appropriation by over \$1 million to \$548,162 annually, which would place it on a matching basis with funds from private business. The original idea, over twenty years ago, of a State subsidy to the Hawaii Visitors Bureau was to foster the growth of an infant industry. The agreement then was for the State to match the tourist industry dollar for dollar. However, based on the \$1.7 million Hawaii Visitors Bureau appropriation in the proposed budget, the State will actually contribute \$3 for every \$1 the tourist industry contributes. This is where I disagree.

The rationale for a State subsidy to the tourist industry was that it was an

investment to stimulate the State's economy. As the tourist industry grew, more jobs were created, more tax revenues were collected, and more government services to the people resulted. Now, tourism is no longer a weak and infant industry. It is thriving and it is still growing. It is already a monster, creating concrete jungles, traffic congestion and polluted beaches. It hardly seems to need any more subsidy from the State, especially when we have to consider the possible years of deficit spending ahead of us.

Besides, the million dollars plus that we can save from this Hawaii Visitors Bureau subsidy can be better used in many other ways—helping the poor, caring for the elderly, programs for the mentally retarded and problem children. All these need more funds. After all, if we can cut back over \$40 million for the poor as being proposed by the budget under consideration, we can certainly cut back \$2 million for the next two years for the rich. Thank you.”

Representative Suwa rose and spoke against the amendment stating that although the tourism industry is no longer a weak industry, in order to maintain its revenues, the State must strive to maintain that industry.

Representative Medina rose and spoke against the amendment as follows:

“As Chairman of your Tourism Committee, we studied the effects of tourism on Hawaii in addition to the amount of money that was provided by the State fund. In checking out some of the figures, we discovered that \$113 million in tax money came from the State of Hawaii through the tourism industry. In comparing how much the State expends in this area, to realize \$113 million in taxes for the \$1.6 that the State spends is a business I think that the State should continue to support. Your Committee on Tourism saw reason why we should continue to support this industry simply because of the closure of the pineapple company on Molokai and the possible closure on Lanai. We feel that tourism, as proven by the figures you have seen, is the number one business in the State of Hawaii and that we are comparable in our spending with the State of Florida.”

Representative Roehrig then rose and spoke against the amendment as follows:

“I find it somewhat inconsistent on the part of certain Representatives who argue that we should cut down on the size of the tourism budget by arguing that there is a concrete jungle that has been created. I think that the same Representatives who argued that this concrete jungle should not be allowed to exist have also argued that increase grant in aid should not be given are being inconsistent.”

The motion to adopt the amendment was put by the Chair and, roll call being requested, the amendment failed to carry by a vote of 40 noes to 11 ayes, with Representatives W. Chong, Cobb, R. Garcia, Hapai, Kato, King, Leopold, Uechi, Wasai, Wong and Yim voting aye.

Representative Wong offered the following amendment to S.B. No. 1295:

“Senate Bill No. 1295, SD 1, HD 2, is amended to add a new section to read as follows:

‘Section 57a. Whenever the total amount of public assistance payments to a recipient includes an allocation for rent and utilities, the department of social services and housing shall disclose to the recipient the amount which the department has allocated to the recipient for rent and utilities. Any amount a recipient pays for rent and utilities in excess of the amount which the department has allocated to the recipient for rent and utilities shall be called the ‘rental utility differential’. In addition to all other assistance payments to which the recipient is entitled, the department shall pay to the recipient a special allowance equal to the ‘rental utility differential’, provided that the recipient engages in substantial and continuing efforts to locate housing at a cost which does not exceed the basic allocation of the department for rent and utilities. In the event that program appropriations to the department are insufficient to pay the costs of ‘rental utility differentials’, the Governor is authorized to utilize such savings as may be available from appropriated funds of any program for the purpose of meeting the requirements of this section and the department is authorized to submit a deficiency appropriation request to the 1974

Regular Session of the legislature.’”

Representative Wong moved for the adoption of the amendment, seconded by Representative Uechi.

Representative Wong rose and spoke in favor of the amendment as follows:

“To put it very simply, the amendment is intended to take care of our poor people. This Body now seems to be on the verge of turning its back on all of the good things that Hawaii has always stood for. And by turning its back on the people, this Body is on the verge of losing its soul.

The philosophers tell us that the test of humanity in a society is how that society treats its animals. I would add that the test of humanity in a society is how it treats its poor people. Let us consider now how we can right the wrong that is about to be inflicted on the poor.

The game plan for the poor in the proposed budget is that a full flat grant system will be implemented in January, 1974. We all should know what this means.

First, 32 percent of the poor, according to the Department of Social Services and Housing, will receive less payments than they are now receiving. This comes about simply because the flat grant payment plan does not take into consideration the high cost of actual rentals in Hawaii.

Second, this means that several thousand families will be forced to bite into their minimum allowances for food and clothing if they are going to stay where they are—or alternatively, look for cheaper housing. But cheaper housing where? What a shame and travesty it is for us to pretend that the poor can find cheaper housing. I challenge any member of this Body to tell me where the poor can go to find cheap, adequate shelter.

My amendment simply recognizes that the poor have nowhere to go. If the result is that they will continue to pay more in rentals and utilities than are allowed under flat grant, then the State will pay the differential. That is the least that we can do for the poor. After all, they didn’t create the housing problem in Hawaii. It is government, through its inaction,

which has made the problem what it is today.

I appeal to my colleagues to search their consciences and look into their souls.

In the Tenth Representative District, 20 percent of the people in upper Palolo live an existence below the poverty line.

In the 9th Representative District, there are poor people off Monsaratt Avenue and at the foot of Wilhelmina Rise.

In the 12th Representative District, my colleagues there should know what the rental costs are for the poor in the Waikiki jungle and the area mauka of Kapiolani Boulevard.

And I'm sure that the floor leader and our colleagues from the 13th District know that there are poor people in lower Makiki and what their rental costs are.

In the 14th District, I am as concerned as the Chairman of the Committee on Environmental Protection over where the poor people will go when the Vineyard State parking facility goes up in the backyard of the Capitol, just as I know that our colleagues from the 14th District are equally concerned about the poor people renting in Sheridan Tract and McCully.

In the 15th District, nearly 15 percent of the population residing in the precinct which has Punchbowl Homes live below the poverty line.

In the 17th and 18th Districts, there are precincts in Kalihi, Kapalama and Palama where one-third to one-half of the people live in poverty.

And there are pockets of poor in Halawa and Aiea in the 19th District.

In the 20th, the poor continue to hang on in certain sections of Waipahu even though the rents are almost as high as anywhere else.

My friend from the 21st District surely knows how tough it is for the poor who rent from Nanakuli to Waianae.

In the 22nd, an area where rents are always aggravated by military families, it

is not easy to find affordable housing.

And so it is in the 23rd, along the North Shore, and in the 24th, in Waimanalo.

And while I am not an expert on the Neighbor Islands, surely there must be poor people in Kona, in Hilo, in Wailuku, in Kaunakakai and in Kapaa.

I almost missed one district. The Eighth District, which the 1970 census tells us had a small number of poor people. But the latest data shows a zero percentage of people below the poverty line in the 8th. How could this be? Oh yes, those were the people of Kalama Valley, and nobody wonders very much any more where they might have gone.

Poverty seems to be something that we try to forget. We put poor people out of our minds. But we still have this chance to stand as a House of conscience. Remember the poor. If we don't, nobody else will, and we personally here and as a society will lose a little bit of ourselves. By voting for the amendment, we give meaning to the words which would otherwise be empty—compassion and humanity."

The motion to adopt the amendment was put by the Chair and, roll call being requested, the amendment failed to carry by a vote of 35 noes to 16 ayes, with Representatives Aduja, Ajifu, Aki, Cobb, R. Garcia, Kato, Leopold, Lunasco, Medeiros, Oda, Uechi, Wasai, Wong, Yamada, Yap and Yim voting aye.

Representative Wasai offered the following amendment to S.B. No. 1295:

"SECTION 1. Senate Bill 1295, SD 1, HD 2, is amended by adding a new section to part III to read as follows:

'SECTION 25a. Provided that the appropriations for the school of law or the school of medicine - UOH, Manoa (UOH 101), Organized Research - UOH, Manoa (UOH 102), Academic Support - UOH, Manoa (UOH 104), and Institutional Support - UOH, Manoa (UOH 106) shall not be used for the school of medicine or the school of law during the fiscal year 1973-74 nor the fiscal year 1974-75.'

SECTION 2. Senate Bill 1295, SD 1,

HD 2 is amended as follows:

1. Part IV, section 44, items G.96 and G.97 are deleted.

2. Part IV, section 44, items G. 98 to G.132 are renumbered items G. 96 to G.130.”

Representative Wasai moved for the adoption of the amendment, seconded by Representative Yim.

Representative Wasai rose and spoke in favor of the amendment as follows:

“What this amendment does is prohibit the spending of various budget items for the medical and law school for the coming biennium. For three years now, the leadership has been talking of lean years and yet this budget includes such luxury items as the medical school and the law school.

I made it loud and clear a year ago that there are some of us here who are fanatically possessed in building political castles in Hawaii. It is indeed incredible for me to believe how we can preach austerity and yet squander on erecting expensive monuments.

Moreover, there has been a sizable slash in lower education, higher education and welfare only to make room for building luxury landmarks such as these do. We were elected to serve the majority of the people of this State and yet our support of the medical and law school in this period of austerity prohibits the State from providing badly needed services that will benefit the majority.”

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

Representative Yim offered an amendment to S.B. No. 1295.

Representative Yim moved that the amendment be adopted, seconded by Representative R. Garcia.

Representative Yim rose and spoke in favor of the amendment as follows:

“S.B. No. 1295, SD 1, HD 2, provides over \$2.2 million to be appropriated in the next biennium for the construction of small boat harbors and facilities within

the State. This amendment would delete the \$2.2 million from the budget and thus stop further spending for the construction of small boat harbors.

All together, over \$90 million will eventually be spent by the State on small boat harbors, if current plans are carried out. Unfortunately, this large expenditure of public funds will benefit only about 10,000 boat owners, a group which makes up only 1.2 percent of the State’s population.

On the other hand, the hundreds of thousands of swimmers, surfers, and shore fishermen in this State will have practically nothing spent on them by the government. No significant improvements are being planned for their activities.

Rather than attacking on a piecemeal basis the problem of providing recreational facilities, a comprehensive recreational plan should be developed first to insure that quality facilities and programs exist for all of our citizens. Therefore, plans to construct small boat harbors should not be implemented until equal consideration is given to the shore fishermen, surfers, and swimmers.

By voting for the amendment, we will be restoring some sense of priorities and fair play to our spending.”

Representative Suwa rose and asked the members to vote the amendment down by stating that this is in conformance with the administration procedure in the general planning of the Capital Improvement Projects.

Representative Iha rose and spoke against the amendment stating that boat owners will have to pay for the use of the small boat harbors through a special users’ fund. He further stated that since they are going to pay for it and since these are needed facilities, we should vote down the amendment.

Representative Yim then rose and spoke for the amendment stating that the special users’ fund will pay for the maintenance and operation of the small boat harbors and not for the actual construction.

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

Representative R. Garcia rose and spoke against S.B. No. 1295 as follows:

"I think this budget bill is but one more example of the politician speaking from two corners of his mouth. On one side of the matter, we are leading on the public by saying that this budget is an austere one, trimmed of non-vital program 'fat'. Yet in this bill before us today, we see a proposal to cut \$43 million from our social services programs from an area of government which the less fortunate of our State receive much of their help. What we are doing in this bill, with regards to cuts in our social service programs, is tantamount to punishing the poor for being poor.

Let me be more specific. The United States Department of Labor Bureau of Labor Statistics estimates that in 1971, a family of four would need \$9,000 to live minimally in Hawaii. If we were to institute flat grant payment as proposed in this bill, a family of four would receive \$4,500 annually from welfare. In short, our State's assistance to a needy family of four would be 50 percent below the minimum standards set in 1971.

In the area of food allowance, the Bureau of Labor Statistics cites that minimum food costs for a family of four in Hawaii is \$2,442 per year. This was a figure derived for 1971. The proposed flat grant allotment would allow only \$1,545 for that same family to spend on food for one year. That is a decrease of \$97, not to mention the fact that food prices have been sky-rocketing in the last several months.

The Bureau, in the same document, stipulated the minimum budget for a family of four in Hawaii for clothing and personal essentials runs to \$899 annually. The proposed flat grant allotment would allow for about \$162 a year for clothing and personal essentials—\$737 less than the federally stipulated minimum.

Where health services are concerned, I am particularly concerned about reduced payments and, hence, services to those most needy of health care: The aged, blind and disabled in our State. By January, 1974, as proposed in this bill, the level of benefits accrued will be reduced from \$152 a month to \$130 a month. And as if this reduction were not enough, many of the poor would, by

virtue of federal regulations, be ineligible for food stamps and dental benefits.

Our present health situation in Hawaii and the nation is getting increasingly tighter, making it harder and harder for all segments of the populace to receive proper health care. The net effect of these reductions would be to deny those people most exposed to poor health environments, the critically needed care that is often essential to their very lives.

Finally, in regards to housing, what is proposed in this bill is \$167.25 a month to be allowed for a family of four. This is far below what is needed to find decent, safe and sanitary housing in the private market, particularly in view of our current housing crisis. What is even more outrageous is that families of 7 to 15 members will be forced to find housing for \$171.50 a month. I think most of us realize that to find decent housing for a family of fifteen for that amount is sheer wishful thinking. Such housing simply does not exist.

We are talking about 16,000 people who will be forced to relocate if flat grant is implemented January 1, 1974. In view of the critical shortage of housing units in Hawaii, this bill proposes the formation of a housing relocation unit within DSSH to locate low cost housing for the affected recipients. It is an absurd proposal since, again, such units do not exist.

The budget is a crucial measure whenever it is considered by the Legislature. It is particularly crucial in a time where our State is piling up a deficit of several hundred million dollars. However, let us act with wisdom and rationale rather than with quick solutions. What I find in this bill, however, are quick and ill-conceived 'solutions' to our fiscal ills and what it proposes for our poor is perhaps but one example.

In two nights of public hearings held by the Department of Social Services and Housing on the flat grant proposal, over 700 people attended. Only two persons gave testimony in favor of flat grants. Approximately seventy people voiced their opposition to the proposal. Those opposing the flat grant proposal included almost all private social agencies concerned with the poor.

I cannot in good conscience vote in favor of this bill and urge all of my colleagues in this House to do the same.”

Representative Lee rose and spoke in favor of the measure as follows:

“I am not well known for making speeches, nor do I find the need very often to make speeches. But I do want to stand up and be counted on this bill in two areas of concern. As a Representative from the 17th District with many welfare recipients and the poor and the working man, I want to say that when this State budget comes through the wash, the best interest of the welfare recipients will be well taken care of. May I add that, as Chairman of Public Employment of this House, that the best interest of the public employee of this State will also be well taken care of in the area of cost and collective bargaining. I do not have the fears that certain colleagues of mine have about hurting the poor and the working man. Thank you.”

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1295, as amended, passed Third Reading by a roll call vote of 30 ayes to 21 noes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, J. Garcia, R. Garcia, Kato, Leopold, Lunasco, Medeiros, Oda, Saiki, Soares, Uechi, Wasai, Wong, Yamada and Yim voting no.

Consideration of Stand. Com. Rep. No. 746 on H.R. No. 137 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, notwithstanding the recommendation contained therein, H.R. No. 137 was adopted.

Consideration of Stand. Com. Rep. No. 747 on H.R. No. 415, 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, notwithstanding the recommendation contained therein, H.R. No. 415 was adopted.

Consideration of Stand. Com. Rep.

No. 748 on H.R. No. 416 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, notwithstanding the recommendation contained therein, H.R. No. 416 was adopted.

Consideration of Stand. Com. Rep. No. 750 on H.R. No. 410, 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, notwithstanding the recommendation contained therein, H.R. No. 410, as amended, was adopted.

The Chair here directed the Clerk to note that S.B. Nos. 930, 1380, 1283, 1227 and 1295 had passed Third Reading no earlier than 11:15 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 835) approving the intent and purpose of S.B. No. 744, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 744, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 836) approving the intent and purpose of S.B. No. 137, SD 1 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. 137 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 837) approving the intent and purpose of S.B. No. 316 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. 316 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 838) approving the intent and purpose of S.B. No. 660, SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 660, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 839) approving the intent and purpose of S.B. No. 1178 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 1178, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 840) approving the intent and purpose of S.B. No. 903 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. 903 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 841) approving the intent and purpose of S.B. No. 116 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. 116 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 842) approving the intent and purpose of S.B. No. 1152, SD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 842 on S.B. No. 1152, as amended, was deferred until tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 843) approving the intent and purpose of S.B. No. 823, SD 1, HD 1 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 843 on S.B. No. 823 was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of S.B. No. 1152, SD 1, HD 1 and S.B. No. 823, SD 1, HD 1 had been made available to the members of the House at 11:27 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. 844) approving the intent and purpose of S.B. No. 155, SD 1 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. 155 passed Second Reading and was placed on

the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 845) approving the intent and purpose of S.B. No. 111, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 111, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 846) approving the intent and purpose of S.B. No. 1018 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. 1018 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 847) approving the intent and purpose of S.B. No. 1014 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S.B. No. 1014, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 848) approving the intent and purpose of S.B. No. 14, SD 1, HD 1 and recommending its referral to the Committee on Finance with certain amendments.

Representative Suwa moved to waive referral of S.B. No. 14, as amended, to

the Committee on Finance, seconded by Representative Akizaki and carried.

By unanimous consent, consideration of Stand. Com. Rep. No. 848 on S.B. No. 14, as amended, on Third Reading was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of S.B. No. 14, SD 1, HD 2 had been made available to the members of the House at 11:29 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. 849) approving the intent and purpose of S.B. No. 160, SD 2 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 160, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 850) approving the intent and purpose of S.B. No. 140, SD 1 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 850 on S.B. No. 140 was deferred until tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that printed copies of S.B. No. 140 had been made available to the members of the House at 11:29 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. 851) approving the intent and purpose of S.B. No. 122, SD 1 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. 122 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 852) approving the intent and purpose of S.B. No. 129, SD 1 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. 129 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 853) approving the intent and purpose of S.B. No. 415 and recommending its passage on Second Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 415 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 854) approving the intent and purpose of S.B. No. 820 and recommending its passage on Second Reading.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.B. No. 820 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 855) approving the intent and purpose of S.B. No. 698, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative O'Connor, seconded by Representative

Kimura and carried, the report of the Committee was adopted and S.B. No. 698, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 856) approving the intent and purpose of S.B. No. 10, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Young, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 10, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

Representative Wong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 857) approving the intent and purpose of S.B. No. 1312, SD 1 and recommending its passage on Second Reading with certain amendments.

On motion by Representative Wong, seconded by Representative Sakima and carried, the report of the Committee was adopted and S.B. No. 1312, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

The Chair here directed the Clerk to note that S.B. Nos. 744, SD 1, HD 1, 137, SD 1, 316, 660, SD 2, HD 1, 1178, HD 1, 903 and 116 had passed Second Reading at 10:30 o'clock p.m. and that S.B. Nos. 155, SD 1, 111, SD 1, HD 1, 1018, 1014, HD 1, 160, SD 2, HD 1, 122, SD 1, 129, SD 1, 415, 820, 698, SD 1, HD 1, 10, SD 1, HD 2 and 1312, SD 1, HD 1 had passed Second Reading at 11:30 o'clock p.m.

#### DEFERRED MATTERS

Consideration of Stand. Com. Rep. No. 761 on H.R. No. 370, as amended, which had been deferred to this time.

Representative Suwa moved that referral of H.R. No. 370, as amended, be waived, seconded by Representative Akizaki and carried.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and, notwithstanding the recommendation contained therein, H.R. No. 370, as amended, was adopted.

Consideration of Stand. Com. Rep. No. 762 on H.R. No. 231, 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 H.R. No. 231 was adopted.

Consideration of Stand. Com. Rep. No. 763 on S.C.R. No. 34, which had been deferred to this time.

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

Consideration of Stand. Com. Rep. No. 764 on S.C.R. No. 47, which had been deferred to this time.

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

Consideration of Stand. Com. Rep. No. 765 on H.C.R. No. 75, which had been deferred to this time.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.C.R. No. 75 was adopted.

Consideration of Stand. Com. Rep. No. 766 on H.R. No. 80, which had been deferred to this time.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H.R. No. 80 was adopted.

Consideration of Stand. Com. Rep. No. 770 on S.C.R. No. 37, which had been deferred to this time.

On motion by Representative Roehrig,

seconded by Representative Medina and carried, the report of the Committee was adopted and S.C.R. No. 37 was adopted.

Consideration of Stand. Com. Rep. No. 771 on S.C.R. No. 38, which had been deferred to this time.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.C.R. No. 38 was adopted.

Consideration of Stand. Com. Rep. No. 772 on S.C.R. No. 39, SD 1, which had been deferred to this time.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.C.R. No. 39 was adopted.

Consideration of Stand. Com. Rep. No. 773 on S.C.R. No. 40, which had been deferred to this time.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.C.R. No. 40 was adopted.

Consideration of Stand. Com. Rep. No. 774 on S.C.R. No. 41, as amended, which had been deferred to this time.

On motion by Representative Roehrig, seconded by Representative Medina and carried, the report of the Committee was adopted and S.C.R. No. 41, as amended, was adopted.

Consideration of Stand. Com. Rep. No. 775 on S.B. No. 377, as amended, which had been deferred to this time.

Representative Suwa moved that referral of S.B. No. 377, as amended, to the Committee on Finance be waived, seconded by Representative Akizaki and carried.

On motion by Representative King, seconded by Representative A. Chong and carried, the report of the Committee was adopted and, notwithstanding the recommendation contained therein, S.B. No. 377, as amended, passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 10, 1973.

The Chair directed the Clerk to note that S.B. No. 377, SD 2, HD 1 had passed Second Reading at 11:40 o'clock p.m.

#### **RECONSIDERATION OF ACTION TAKEN BY THE HOUSE**

Representative Lee moved that the House reconsider its action taken earlier on H.R. No. 63, as amended, seconded by Representative A. Chong and carried.

Representative Suwa moved that referral of H.R. No. 63, as amended, to the Committee on Finance be waived, seconded by Representative Akizaki and carried.

On motion by Representative Lee, seconded by Representative A. Chong and carried, the report of the Committee was adopted and, notwithstanding the recommendation contained therein, H.R. No. 63, as amended, was adopted.

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

By unanimous consent, H.B. No. 166, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved to

disagree with the amendments proposed by the Senate to H.B. No. 166, seconded by Representative Kimura and carried.

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

By unanimous consent, H.B. No. 172, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved to agree with the amendments proposed by the Senate to H.B. No. 172, seconded by Representative Kimura and carried.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, H.B. No. 172, HD 1, as amended, passed Final Reading by a vote of 45 ayes, with Representatives Aduja, Aki, Kato, Poepoe, Saiki and Wasai being excused.

At 11:59 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, April 10, 1973.