

FORTY-SECOND DAY

Friday, March 15, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend, Dennis Slattery, Associate Pastor of Sacred Heart Church, after which the Roll was called showing all members present with the exception of Representatives Carroll, Fong, Hapai, Kondo, Kunimura, Medeiros, Roehrig, Saiki, Uechi, Wakatsuki, Yamada, Yap and Yuen being excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-First Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Forty-First Day was approved.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 35) transmitting Senate Bill No. 1498-74 entitled: "A Bill for an Act relating to public utilities," which passed Third Reading in the Senate on March 14, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. No. 1498-74 passed First Reading by title and further action was deferred until later in the calendar.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H. R. No. 349 and 350) and concurrent resolution (H. C. R. No. 54) were disposed of as follows:

H. R. No.	Referred to:
349	Committee on Education, then to the Committee on Finance
350	Committee on Legislative Management, then to the Committee on Finance
H. C. R. No.	
54	Committee on Water, Land Use and Development

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 208-74) informing the House that House Resolution Nos. 343 to 350, House Concurrent Resolution No. 54 and Stand-

ing Committee Report Nos. 209-74 to 214-74 had been printed and distributed.

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

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 209-74) recommending that H. B. No. 439 be referred to the Committee on Legislative Management with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the majority of the Committee was adopted and H. B. No. 439, as amended, was referred to the Committee on Legislative Management.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 210-74) recommending that H. B. No. 2617-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2617-74 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 211-74) recommending that H. B. No. 2635-74 pass Second Reading and be referred to the Committee on Consumer Protection with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2635-74, as amended, passed Second Reading and was referred to the Committee on Consumer Protection.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 212-74) recommending that H. B. No. 2253-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative A. Chong, seconded by Representative King and carried, the report of the Committee was adopted and H. B. No. 2253-74 passed Second Reading and 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. 213-74) recommending that H. B. No. 2655-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative A. Chong, seconded by Representative King and carried, the

report of the Committee was adopted and H. B. No. 2655-74 passed Second Reading and 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. 214-74) recommending that H. B. No. 2709-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative A. Chong, seconded by Representative King and carried, the report of the Committee was adopted and H. B. No. 2709-74 passed Second Reading and was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 351 to 355) and concurrent resolutions (H. C. R. Nos. 55 and 56) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 351) 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 Beppu, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, 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 Kishinami and carried, H. R. No. 351 was adopted.

A resolution (H. R. No. 352) proclaiming March 24 through 29th Bike Week and declaring participation of the Legislature of the State of Hawaii in biking during that week was jointly offered by Representatives O'Connor, Aki, A. Chong, J. Garcia, R. Garcia, Kimura, King, Kishinami, Lee, Medina, Morioka, Ushijima, Wong and Beppu.

Representative O'Connor moved that H. R. No. 352 be adopted, seconded by Representative Ushijima.

Representative O'Connor rose to speak in favor of the resolution as follows:

"Mr. Speaker, I would like to call the attention of this Honorable Body to the fact that next week has been proclaimed 'Bike Week'. The purpose of having this week is to lure and entice the businessmen, leaders of various segments of the community to ride to work in the morning on their bicycles

and to ride home at night on their bicycles and do other errands on bicycles. I know that there are many men in the community—physicians and other people in important positions—riding in from Hawaii Kai on their bicycles to work next week.

The purpose of this resolution is to encourage all legislators and their staffs starting Monday morning to come to work on their bicycles. More important, Wednesday is designated as Government Day. And on Government Day, it is thoroughly suggested that the leaders of the government, and this of course pertains to the Legislature, come to work on their bicycles and go home on their bicycles more important than the other days of the week. It is encouraged that all participate all week long, but at least to show that we do encourage this type of activity to save gas, and I will only call to the attention of the members some of the brilliant speeches made yesterday regarding the saving of gas in the community that everyone utilize their bicycles. Therefore, I call on all to vote aye in favor of this resolution."

Representative Kihano rose on a point of order and stated:

"Mr. Speaker, I come out from Waipahu and I think I'm slim enough, Mr. Speaker. I'm the slimmest in the House. I think the rest of the Representatives can come in on their bicycles, but I hope that I'd be exempted from this riding in from Waipahu."

Representative Aduja rose and stated:

"If I were riding from Waipahu, I would really ride my bicycle, but coming from Kaneohe where it's so steep. I think that's why we require H-3. Thank you."

Representative J. Garcia rose and inquired:

"Mr. Speaker, in the conservation of gas, I think we ought to start with the State House of Representatives. But my question is simply this, beginning with Monday, where are the first-aid stations to be located?"

Representative O'Connor rose and replied:

"As I understand it there may be nurses located at various places throughout the community to give the older participants a hand."

Representative Suwa then rose and stated:

"Mr. Speaker, once again, I do not like to throw a wet blanket on some of the things that are going on, but here again I think this measure is supposed to go to printing like any other resolution. This is not a congrat-

ulatory resolution; therefore, if it sets the policy now by adopting, so shall it be for other resolution adopting, so shall it be for other proclamations, Mr. Speaker."

The motion was put by the Chair and **H. R. No. 352** was adopted.

A resolution (**H. R. No. 353**) congratulating Shunichi Kimura for his many years of public service as mayor of the County of Hawaii was jointly offered by Representatives Hapai, A. Chong, W. Chong, J. Garcia, Kawakami, King, Medina, Morioka, Roehrig, Saiki, Soares, Takamine, Ushijima and Wasai.

On motion by Representative Takamine, seconded by Representative W. Chong and carried, **H. R. No. 353** was adopted.

A resolution (**H. R. No. 354**) extending congratulations and best wishes to Herbert K. S. Chun on his election as president of the Kalihi Businessmen's Association was jointly offered by Representatives Iha, A. Chong, R. Garcia, Lee, Medina, Morioka, Nakama, Sakima, Takamine, Ushijima, Wong and Yap.

On motion by Representative Iha, seconded by Representative R. Garcia and carried, **H. R. No. 354** was adopted.

A resolution (**H. R. No. 355**) extending congratulations and best wishes to Philip S. Chun on his election as president of the Kalihi-Palama Community Council was jointly offered by Representatives Iha, A. Chong, R. Garcia, Lee, Medina, Morioka, Nakama, Sakima, Takamine, Ushijima, Wong and Yap.

On motion by Representative Iha, seconded by Representative R. Garcia and carried, **H. R. No. 355** was adopted.

A concurrent resolution (**H. C. R. No. 55**) proclaiming March 24 through 29th Bike Week and declaring participation of the Legislature of the State of Hawaii in biking during that week was jointly offered by Representatives O'Connor, Aki, A. Chong, J. Garcia, R. Garcia, Kimura, King, Kishinami, Lee, Morioka, Ushijima, Wong and Beppu.

On motion by Representative O'Connor, seconded by Representative R. Garcia and carried, **H. C. R. No. 55** was adopted.

A concurrent resolution (**H. C. R. No. 56**) congratulating Shunichi Kimura for his many years of public service as mayor of the County of Hawaii was jointly offered by Representatives Hapai, A. Chong, W. Chong, J. Garcia, Kawakami, King, Medina, Morioka, Roehrig, Saiki, Soares, Takamine, Ushijima and Wasai.

On motion by Representative J. Garcia, seconded by Representative Suwa and carried, **H. C. R. No. 56** was adopted.

By unanimous consent, the following resolutions (**H. R. Nos. 356 to 360**) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 18, 1974:

A resolution (**H. R. No. 356**) requesting home warranties be lengthened was jointly offered by Representatives Lunasco, Akizaki, de la Cruz, R. Garcia, Takamine, Ushijima, Wasai, Yim and Young.

A resolution (**H. R. No. 357**) relating to a baccalaureate degree in agriculture at the University of Hawaii, Hilo was jointly offered by Representatives Sakima, Kunimura, Roehrig and Takamine.

A resolution (**H. R. No. 358**) expressing concern over governmental waste of paper and calling for the establishment of a recycling system was jointly offered by Representatives Poepoe, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, Fong, J. Garcia, R. Garcia, Hapai, Kato, Kawakami, Kihano, King, Kishinami, Lee, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Saiki, Sakima, Soares, Suwa, Takamine, Ushijima, Wasai, Wedemeyer, Wong, Yim, Young and Yuen.

A resolution (**H. R. No. 359**) asking Hawaii radio and television stations to donate time to the furtherance of promoting energy conservation was jointly offered by Representatives Poepoe, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, Fong, J. Garcia, R. Garcia, Hapai, Kato, Kawakami, Kihano, King, Kishinami, Lee, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Saiki, Sakima, Soares, Suwa, Takamine, Ushijima, Wasai, Wedemeyer, Wong, Yim, Young and Yuen.

A resolution (**H. R. No. 360**) relating to the rights of Hawaii's school aged children to be educated as to their ethnic culture was jointly offered by Representatives Poepoe, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, Fong, J. Garcia, R. Garcia, Hapai, Kato, Kawakami, King, Kishinami, Lee, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Saiki, Sakima, Soares, Takamine, Ushijima, Wakatsuki, Wedemeyer, Wong, Yim, Young and Yuen.

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

Upon reconvening at 12:07 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Fong, Kondo, Kunimura, Medeiros, Roehrig, Saiki, Uechi, Wakatsuki, Yamada, Yap and Yuen.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 2508-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2508-74** passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hapai, Medina, Nakama and Suwa being excused.

H. B. No. 3094-74

On motion by Representative Akizaki, seconded by Representative Kishinami, **H. B. No. 3094-74** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Hapai, Medina and Nakama being excused.

H. B. No. 2393-74

Representative Wakatsuki moved that **H. B. No. 2393-74** pass Third Reading, seconded by Representative Kato.

Representative J. Garcia rose to speak against the bill as follows:

"Mr. Speaker, I rise to speak against this measure because I sincerely believe that the term of any elected official in the State of Hawaii rests primarily with the people of our State. I believe that, if this Legislature is sincere in wanting to limit the term of office for the governor of our State, then this legislative body should also introduce a measure and have it passed limiting the terms of both senators as well as members of the State House of Representatives.

On this premise, Mr. Speaker, I ask the members of this Honorable Body to vote down this measure. Thank you."

The motion was put by the Chair and carried, and **H. B. Nos. 2393-74** passed Third Reading by a vote of 42 ayes to 2 noes, with Representatives J. Garcia and Oda voting no and Representatives Carroll, Hapai, Medina and Nakama being excused, which was not less than two-thirds vote of all the members to which the House is entitled.

The Chair here directed the Clerk to note that **H. B. Nos. 2508-74, 3094-74 and 2393-74** had passed Third Reading not earlier than 12:10 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 159-74 on H. B. No. 639, H. D. 1, as amended, deferred from March 14, 1974.

Representative Wakatsuki moved that **H. B. No. 639, H. D. 1** pass Third Reading, seconded by Representative Cobb.

Representative Aki, speaking in favor of the bill, stated as follows:

"**House Bill 639** would give outreach counselors in the Department of Education the right to keep information divulged to them confidential. This privilege is similar to that extended to doctors, and their patients ministers and their confessors and attorneys and their clients.

The goal of the outreach program is to reach alienated youngsters who have dropped out of school and sometimes even from society. Trust and confidence plays a major role in establishing the kind of relationship necessary to accomplish their goal. It is imperative that the youngsters seeking help be assured that whatever information he shares with his counselor will not be divulged without his permission and will not be used against him. Only then, Mr. Speaker, will barriers drop and progress be made toward rehabilitation.

The outreach counselor's job is a difficult one, for he must gain the confidence of youngsters with serious problems ranging from dropping out of school to drug abuse. He must counsel these youngsters, not only with respect to school programs or other related matters, but very often he must help them with problems involving law enforcement authorities. In these instances, especially, confidential communication is essential.

There are only 36 outreach counselors in the program at the present time, and most of them are concentrated in disadvantaged areas. They are a new and rare group of individuals who are doing a tremendous job. But they need our help. They need the right to keep communications confidential, and we can give them this privilege by passing **House Bill 639, H. D. 2**. I fully realize that this places a tremendous responsibility upon these people. But I am also confident that they can handle it. Outreach counselors are our only hope of reaching and possibly curbing the growing number of alienated students in this State. I believe they are doing the best job possible under present circumstances, but they will certainly be able to do better if granted the right to keep communication confidential.

Finally, Mr. Speaker, privileged communication for persons with drug problems was approved recently by the South Carolina Legislature in an effort to help rehabilitate drug users without subjecting them to criminal prosecution. I am sure other states are doing the same.

Therefore, Mr. Speaker, I urge all members to vote in favor of **House Bill 639, H. D. 2**. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise to speak in favor of **House Bill 639, H. D. 2**. In doing so, I note a rather long gestation period covering a period of three years, three deferments, two committee reports, two House drafts and one floor amendment—all of which has strengthened this bill considerably.

The idea of privileged communication is not new, for it already exists for the clergyman and his confessor, the attorney and his client, the doctor and his patient. In addition, for clergymen and doctors, it is a matter of law created by statute. Nor, Mr. Speaker, is it new for a minor child to be the advisee for such a privilege, for it already exists with the clergyman and his confessor.

Secondly, Mr. Speaker, your committee report this year unanimously found: 'The outreach program is a distinct separate program within the Department of Education and its function is significantly different than the general counseling service furnished all students. Outreach counselors presently number only 36 in the State and are specifically designated by the Department. Their job calls for close contact with alienated children and for confidence between the counselor and the person he advises. The relationship is substantially similar to that which must exist between a clergyman and his confessor...'

In addition, both testimony and questions in Committee indicate the special training requirements for outreach counselors. And the Committee attorney found this training and job description sufficient to recognize a separate category and function by law.

Third, Mr. Speaker, your Education Committee in its report last year (**SCR 147-73**) stated and I quote: 'Based on visitations and discussions with outreach counselors and parents, your committee finds that operationally these counselors have been successful in working with the problemated students but the current lack of legal protection for outreach counselors creates serious operational problems. Inherent to the counselors success in reaching the students and developing constructive, positively oriented young people, has been their ability to establish and maintain a relationship of trust and respect. This relationship of trust of necessity must be based on confidentiality. Without the express right of privileged communication, outreach counselors cannot obtain vital information and contraband articles to ensure the safety of the child and others, nor maintain confidentiality without threat of legal reprisals. The lack of this privilege is a restricting reality. Moreover, serious problems would undoubt-

edly occur within the community if these youths made themselves inaccessible to responsible adults.'

In short, Mr. Speaker, the safety of the child as well as the community, calls for the privilege expressed in this bill. For who is better qualified to counsel than a trained responsible adult?

Wednesday's amendment changed the nature of this bill, for the privilege is not with the outreach counselor since a minor cannot legally exercise the right of consent.

The amended bill also mandates the DOE to promulgate rules and regulations defining the professional responsibilities of outreach counselors and to establish the procedures for both certification and sanctions.

As I noted Wednesday, as a matter of legislative intent, any conflict of such rules should be resolved in favor of the successful operation of the outreach program. In addition, **House Draft 2** now provides that outreach counselors shall operate under the purview of public duties, thus preventing some of the incidents that led to the introduction of this bill.

Mr. Speaker, we need to face the issue squarely as to who makes the final decision in these cases. For, regardless of whether we pass this bill, our youth will still be making the final decisions.

They will decide first of all whether or not to seek the help of an outreach counselor. Second, they will decide how much, if anything, to tell him. And, third, only after they have placed their confidence and trust in the outreach counselor, will they decide whether that trust has been maintained. But isn't that better than no information at all?

But let's get to the heart of the problem; namely, the safety and confidence of our youth. Do we want an avenue of problem solving for our youth people based on confidence and trust? Or do we want to punish them for telling the truth and coming to a counselor for help? And do we want to block that avenue of communication only to find our children's problems in the streets?

Mr. Speaker, our vote on this bill will answer these questions, and I urge every member to vote aye. Thank you."

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

"Mr. Speaker, I speak in favor of the bill. For the record, the exemption created by **639, House Draft 2** as presently drafted is not a privilege in the true sense of the word

and does not equate to the privilege of the attorney-client, physician-patient, or clergyman-penitent as created by statute or rule of court. It is an exemption which belongs to the outreach counselor and not to his advisee."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 639, H. D. 1**, as amended, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Hapai and Roehrig being excused.

H. B. No. 2466-74 on Third Reading, deferred from March 14, 1974.

On motion by Representative Lunasco, seconded by Representative Suwa, **H. B. No. 2466-74** passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Hapai and Roehrig being excused.

The Chair directed the Clerk to note that **H. B. Nos. 639 and 2466-74** had passed Third Reading not earlier than 12:20 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, **H. B. No. 143, H. D. 1** was taken from the Clerk's desk.

On motion by Representative Lee, seconded by Representative Takamine and carried, **H. B. No. 143**, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Hapai and Roehrig being excused, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that **H. B. No. 143, H. D. 1** had passed Final Reading at 12:22 o'clock p.m.

At 12:23 o'clock p.m., on request by Representative Takamine, the Chair declared a recess, subject to the call of the Chair.

At 12:24 o'clock p.m., the House of Representatives reconvened.

Representative Wong rose and requested if he might make a few observations on various emergency measures. Upon receiving permission from the Speaker, Representative Wong stated the following:

"Mr. Speaker, yesterday our acting governor signed into law the emergency powers bill and thereafter declared a state of emergency regarding the administration of the State's GASPLAN. Mr. Speaker, there are some people in this State who question the existence of an emergency. These charges are based on the belief that the federal energy office has allocated so much gasoline in Hawaii this month that such a declaration is unwarranted.

Mr. Speaker, let me at this time clarify some of the facts surrounding this muddled picture. For the month of March, the federal energy office has estimated our demand for gasoline at 24.7 million gallons. It has promised to deliver to us 21 million gallons of gasoline, for a remaining short-fall of 15%. This 21 million gallons, Mr. Speaker, is still 1.3 million gallons short of the actual amount of consumption in the same month two years ago. And, since then, we have seen substantial growth and demand because we are a fast growing State. Mr. Speaker, the severity of the short-fall has been alleviated somewhat only because we have received a windfall emergency allocation of 1.83 million gallons at the end of last month and which fortunately is still available to us this month. Mr. Speaker, these facts clearly show that a shortage of gasoline still exists in Hawaii. Those who question the existence of an emergency crisis because a one-month windfall gain has been granted us, are very shortsighted. Even if the oil embargo were to be soon lifted, we will not see any increase in gasoline supply for at least an additional six to eight weeks. Even then, we will not have all we will need for some time to come. I hope, Mr. Speaker, that these facts clarify the matter for us all, and I urge, Mr. Speaker, all the members of the Committee to be present on Monday to discuss this emergency legislation bill. Thank you, Mr. Speaker."

Representative J. Garcia rose and inquired if he might be allowed a few observations on the energy bill. Upon receiving permission from the Speaker, Representative J. Garcia stated the following:

"We are delighted, Mr. Speaker, that the energy crisis committee of this House will meet on Monday in view of the fact that a suit is again threatening to determine whether or not an emergency exists in this State. I believe it is incumbent upon the members of this House to attend this meeting. An emergency does exist. If by chance another ruling such as that made by Judge Norito Kawakami hold that the GASPLAN is illegal and service stations are allowed to open on Saturday and Sunday, I believe that the lines are going to be long again, and the situation chaotic and perhaps catastrophic will face the City and County of Honolulu, in particular, and the Neighbor Islands in general. In view of this current situation, I do believe that an emergency does exist and we should support the lieutenant governor in every way possible."

ADJOURNMENT

At 12:28 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, March 18, 1974.

FORTY-THIRD DAY

Monday, March 18, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Grant Lee, Youth Minister of the Nuuanu Congregational Church, after which the Roll was called showing all members present with the exception of Representatives Ajifu, Aki, Kihano, Medina, Oda, Roehrig, Uechi and Yap who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Second Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Forty-Second Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (**Sen. Com. Nos. 36 to 39**) were read by the Clerk and were disposed of as follows:

A communication from the Senate (**Sen. Com. No. 36**) transmitting **Senate Concurrent Resolution No. 1** requesting the President of the United States to release federal funds for use in conducting geothermal research, which was adopted by the Senate on March 15, 1974, was placed on file.

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

A communication from the Senate (**Sen. Com. No. 37**) transmitting **Senate Bill No. 238, S. D. 1** entitled: "A Bill for an Act relating to workmen's compensation," which passed Third Reading in the Senate on March 15, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 38**) transmitting **Senate Bill No. 1729-74** entitled: "A Bill for an Act relating to intoxicating liquor," which passed Third Reading in the Senate on March 15, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 39**) transmitting **Senate Bill No. 1802-74, S. D. 1** entitled: "A Bill for an Act relating to limitation of actions arising out of improvements to real property," which passed Third Reading in the Senate on March 15, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, **S. B. Nos. 238, S. D. 1; 1729-74; and 1802-74, S. D. 1** passed First Reading by title and further action was deferred until later in the calendar.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following bills (**S. B. Nos. 238, 1729-74 and 1802-74**) were disposed of as follows:

S. B. No.	Referred to:
238	Committee on Labor and Public Employment, then to the Committee on Consumer Protection
1729-74	Committee on Consumer Protection
1802-74	Committee on Judiciary and Corrections

DEFERRED RESOLUTIONS

The following resolutions (**H. R. Nos. 356 to 360**) and concurrent resolution (**S. C. R. No. 1**) were disposed of as follows:

H. R. No.	Referred to:
356	Committee on Housing, then to the Committee on Consumer Protection
357	Committee on Higher Education, then to the Committee on Finance
358	Committee on Labor and Public Employment, then to the Committee on Finance
359	Committee on Water, Land Use and Development
360	Committee on Education, then to the Committee on Finance

S. C. R. No.	
1	Committee on Water, Land Use and Development

COMMITTEE REASSIGNMENTS

The following bills (**H. B. Nos. 1430 and 1325**) and resolution (**H. R. No. 181**) were re-referred as follows:

H. B. No. 1430 was referred to the Committee on Finance.

H. B. No. 1325 was referred to the Committee on Public Health and Welfare, then to the Committee on Finance.

H. R. No. 181 was referred to the Committee on Public Health and Welfare, then to the Committee on Finance.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report

(Stand. Com. Rep. No. 215-74) informing the House that House Resolution Nos. 351 to 360, House Concurrent Resolution Nos. 55 and 56, Special Committee Report No. 5, and Standing Committee Report Nos. 216-74 to 225-74 had been printed and distributed.

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

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 216-74) recommending that H. B. No. 2657-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2657-74 passed Second Reading and 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. 217-74) recommending that H. B. No. 104, H. D. 1 be referred to the Committee on Finance.

At this time, Representative O'Connor rose and declared a conflict of interest on H. B. No. 104, H. D. 1, stating that he is presently involved in litigation as an attorney in a case which the bill might affect.

The Chair ruled that there is a conflict of interest.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 104, H. D. 1 was referred to the Committee on Finance.

At 11:37 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:38 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Medina.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 218-74) recommending that H. B. No. 2747-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2747-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Iha, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 219-74) recommending

that H. C. R. No. 23 be referred to the Committee on Finance with certain amendments.

By unanimous consent, the referral of H. C. R. No. 23, as amended, to the Committee on Finance was waived.

Representative Iha then moved that action on Stand. Com. Rep. No. 219-74 on H. C. R. No. 23, as amended, be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 220-74) recommending that H. B. No. 2049-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 220-74 on H. B. No. 2049-74, as amended, was deferred until tomorrow, March 19, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2049-74, H. D. 1 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 221-74) recommending that H. B. No. 2858-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2858-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 19, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 222-74) recommending that H. B. No. 2840-74 pass Second Reading and be placed on the calendar for Third 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. 2840-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 19, 1974.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 223-74) recommending that H. B. No. 2416-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2416-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 19, 1974.

Representative Medina, for the Committee on

Tourism, presented a report (Stand. Com. Rep. No. 224-74) recommending that H. B. No. 2198-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Medina, seconded by Representative Wedemeyer and carried, the report of the Committee was adopted and H. B. No. 2198-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 19, 1974.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 225-74) recommending that H. B. No. 2471-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2471-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 19, 1974.

The Chair directed the Clerk to note that printed copies of H. B. Nos. 2858-74; 2840-74, H. D. 1; 2416-74; 2198-74, H. D. 1; and 2471-74, H. D. 1 were made available to the members of the House at 11:30 o'clock a.m.

SPECIAL COMMITTEE REPORT

Representative Sakima, for the Joint Committee on the Department of Education — College of Education Working Relationship, appointed during the interim to study the problem of effective complementary working relationships between the University of Hawaii and the Department of Education in the area of public school curriculum, presented a report (Spec. Com. Rep. No. 5) with certain recommendations.

On motion by Representative Sakima, seconded by Representative Kimura and carried, the report of the Committee was received and was placed on file.

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 11:50 o'clock a.m., the House of Representatives reconvened.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 361 to 365) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 361) congratulating the Pearl City Judo Club was jointly offered by Representatives Young, Aki, Akizaki, A. Chong, W. Chong, Cobb, Fong, R. Garcia, Kato, Kihano, King, Kishinami, Kunimura, Lunasco, Medina, Nakama, Oda, Roehrig, Saiki, Sakima, Soares,

Suwa, Takamine, Wakatsuki, Wasai, Yamada, Yap, Yim and Yuen.

On motion by Representative Young, seconded by Representative Kishinami and carried, H. R. No. 361 was adopted.

A resolution (H. R. No. 362) congratulating Lori Serion for being named the Hawaiian Electric Music Hour's Young Hawaii Musician of the Month was jointly offered by Representatives Young, Aki, Akizaki, A. Chong, W. Chong, Cobb, R. Garcia, Kato, Kihano, King, Kishinami, Kunimura, Lunasco, Medina, Nakama, Roehrig, Sakima, Soares, Suwa, Takamine, Wakatsuki, Wasai, Yamada, Yim and Yuen.

On motion by Representative Young, seconded by Representative Kishinami and carried, H. R. No. 362 was adopted.

A resolution (H. R. No. 363) congratulating Clyde Cabrera, Randy Macadangdang, Paul Sakaida, Lloyd Shima, and Randy Shimabuku, members of the Maui Interscholastic League all-star basketball team was jointly offered by Representatives Kondo, Aduja, Aki, Amaral, Carroll, W. Chong, Cobb, de la Cruz, Hapai, Iha, Kihano, Kishinami, Leopold, Lunasco, Medina, Nakama, Saiki, Takamine, Wasai, Young and Yuen.

On motion by Representative Kondo, seconded by Representative de la Cruz and carried, H. R. No. 363 was adopted.

A resolution (H. R. No. 364) extending congratulations and appreciation upon publication of the Big Island soil survey was jointly offered by Representatives W. Chong, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Kato, Kishinami, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Poepoe, Saiki, Soares, Suwa, Takamine, Wong, Yamada and Yim.

On motion by Representative W. Chong, seconded by Representative J. Garcia and carried, H. R. No. 364 was adopted.

A resolution (H. R. No. 365) relating to Saint Patrick's Day, Ireland, shamrocks, snakes and shillelaghs was jointly offered by Representatives O'Connor, Cobb, J. Garcia, R. Garcia, Iha, Kawakami, Kondo, Lunasco, Suwa, Wasai, Wedemeyer, Yamada, Young and Yuen.

Representative O'Connor moved that H. R. No. 365 be adopted, seconded by Representative Cobb.

Representative O'Connor then rose and stated:

"Mr. Speaker, I rise to speak in favor of this resolution.

Mr. Speaker, from year to year, I take such stinging remarks from this chamber concern-

ing my Irish background that it is incumbent upon the day of general happiness in the Irish world and in the quasi-Irish world, to offer this resolution and to ask all to wear green. My staff has placed upon everyone's desks this morning, a boutonniere or a corsage and I see that everyone is wearing them in happy anticipation of Saint Patrick. Actually, it is not anticipation this year because Saint Patrick's Day was yesterday.

Since last year, I have been doing a little bit of research, Mr. Speaker, as you will recall, that there was one member last year who had said something about the Irishmen coming from Portugal. Well, I have done a little research since last year and I am happy to report that that is absolutely fallacious. The Irishmen did not come from Portugal. In fact, the Portuguese, in part, came from Ireland and I say in part because the rest of them came from a group of islands situated off the coast called the Azores and no one knows where those people came from.

Therefore, Mr. Speaker, I am proud to report that we Irishmen are celebrating Saint Patrick's Day and will continue the celebration throughout the day around here since this is our working Saint Patrick's Day.

Thank you very much, Mr. Speaker."

Representative J. Garcia then rose on a point of personal privilege and stated:

"Not being Portuguese myself, I must defend my Minority Floor Leader.

Actually, what happened, Mr. Speaker, is this. The history books are correct—the Irishmen didn't come from Portugal but I think the Majority Leader forgot that Saint Patrick was half Spanish."

Representative Soares then rose on a point of personal privilege and stated:

"It seems to me that my wordy Majority Leader took a whole year to find out that the Irish didn't come from Lisbon because he got caught between the Azores and Lisbon, and really before the Hawaiians ate Captain Cook, the Portuguese were here and I do think that under the present time-table of yesterday being Saint Patrick's Day—today is Saint Buddy's Day in Portugal.

Thank you, Mr. Speaker."

Representative W. Chong then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution.

I am green with envy so I encourage all the 51 legislators here to vote for the resolution.

Thank you."

Representative Kimura then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution.

I speak on behalf of the Japanese-Irish who claim that they have been slighted in the Majority Leader's investigation. I don't think his research was carried far enough and I speak of the Ogata's, the Ohara's the Otsuka's and the other O's, Mr. Speaker, and may he conduct his research during the interim so that hopefully, the next session he can come out affirmatively and say whether the Irishmen came from Japan—Osaka."

The motion was put by the Chair and carried, and H. R. No. 365 was adopted.

By unanimous consent, the following resolutions (H. R. Nos. 366 to 372) and concurrent resolution (H. C. R. No. 57) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 19, 1974:

A resolution (H. R. No. 366) requesting a re-evaluation of the wage scale for elevator inspectors was jointly offered by Representatives O'Connor, Ajifu, A. Chong, Fong, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Morioka, Oda, Roehrig and Yamada.

A resolution (H. R. No. 367) requesting the media to submit suggested names to the Legislature for the new stadium was jointly offered by Representatives R. Garcia, Leopold, Aduja, A. Chong, W. Chong, Cobb, de la Cruz, Fong, Kato, Kishinami, Lunasco, Nakama, Soares, Wasai, Wong, Yamada, Yim and Yuen.

A resolution (H. R. No. 368) requesting the Department of Education to prepare a course and program in Hawaiiana for the public secondary schools was offered by Representative Wasai.

A resolution (H. R. No. 369) requesting the Department of Education to conduct a fire alarm equipment check of all public school buildings to ensure the safety of students was offered by Representative Wasai.

A resolution (H. R. No. 370) requesting the University of Hawaii to establish child care centers on all the campuses in the system was jointly offered by Representatives Kishinami, Aduja, Aki, Akizaki, A. Chong, W. Chong, Cobb, de la Cruz, R. Garcia, Hapai, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Medina, O'Connor, Poepoe, Saiki, Sakima, Suwa, Uechi, Wasai, Wedemeyer, Wong, Yamada, Young, Yuen and Beppu.

A resolution (H. R. No. 371) relating to the standardization of rates charged for services rendered by governmental agencies was offered by Representative R. Garcia.

A resolution (H. R. No. 372) supporting observance of Soil Stewardship Week, May 19-26, 1974, and extending appreciation to soil and water conservation districts was jointly offered by Representatives Ajifu, Aduja, Aki, Akizaki, Amaral, A. Chong, W. Chong, Fong, J. Garcia, R. Garcia, Hapai, Kato, Kishinami, Kondo, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Poepoe, Saiki, Suwa, Takamine, Wong, Yamada and Yim.

A concurrent resolution (H. C. R. No. 57) requesting the media to submit suggested names to the Legislature for the new stadium was jointly offered by Representative R. Garcia, Leopold, Aduja, A. Chong, W. Chong, Cobb, de la Cruz, Fong, Kato, Kishinami, Lunasco, Nakama, Soares, Wasai, Wong, Yamada, Yim and Yuen.

At 11:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:59 o'clock a.m., the Chair made the following introduction to the members of the House:

"This morning, we are very honored by the presence of three distinguished U.S. Senators. They are here with a subcommittee on Environmental Pollution of the Senate Committee on Environmental Protection. It gives me great pleasure, at this time, to introduce to you the junior Senator from the State of Hawaii, Majority Leader in the Territorial Sessions of 1955 and 1957, and Chairman of the Senate Committee on Veterans, Military and Police, the Honorable Dan Inouye."

Senator Inouye then assumed the rostrum and made the following introductions:

"Mr. Speaker, very distinguished members of the House, and ladies and gentlemen, I am pleased and honored to present to you two very distinguished visitors.

The first is the senior Senator from the State of Maine. He presently serves on the important leadership committee, the Policy Committee, and serves as the Chairman of the Legislative Review Committee. He is also a member of the Public Works Committee and he is here today in his capacity as Subcommittee Chairman of the Committee on Environmental Pollution. He is also a member of the very prestigious Foreign Relations Committee, and he serves as Chairman of the Subcommittee on Arms Control. He is also a member of the Government Operations Committee and Chairman of the Inter-Governmental Relations Committee. He served as Governor of Maine during the years 1954 to 1958 and was a member of the Maine House of Representatives. He served as a lieutenant in the United States Navy, serving out of Pearl Harbor during World War II, so he is well acquainted with

these shores. He became an important national figure when he became the Democratic candidate for the vice-presidency in 1968.

Ladies and gentlemen, I am pleased to present to you the senior Senator from the State of Maine, the Honorable Edmund Muskie."

Senator Muskie then addressed the members of the House as follows:

"Mr. Speaker, Senator Inouye, Senator Biden, ladies and gentlemen:

We are glad to be here in Hawaii. We are most grateful to you for making facilities available to us in this building for our hearing.

I would like to say, first of all, how very proud we all are, all over this country, in your Senator Dan Inouye. I regarded him as a friend for a long time and it is always a pleasure to come here at his request and invitation to talk about problems of mutual interest.

The second point I would like to make is that both Senator Biden and I are immensely impressed by your facilities. We have been listening all morning to all the difficulties Hawaii is having in meeting the cost of environmental control and we look at these facilities and we say to ourselves—it can't be that great a problem, and I can imagine how it is to live and work in circumstances of this kind.

I served in the Maine Legislature from 1947 to 1951. I was a member of a very small minority. We had 24 Democrats out of 151 members of the House. We didn't serve on all committees—85% of the legislation introduced went to committees on which there were no Democrats serving so we had very little impact upon the process, and it was that experience which prompted me ultimately to make politics a career in order to build a strong two-party system in our State. I was finally selected Governor, much to everybody's surprise, including myself, and so people began to focus on the political process in Maine in a way they have never focused before. In a lot of sort of routine things that happened became new for a lot of people. I remember when I was inaugurated as Governor, the traditional ceremony involved the swearing in of the Governor-elect by the President of the Senate in a joint session convened in the House of Representatives. When that was done, the Secretary of State who was a well-known reactionary long-life Republican, stood and he said: 'God, save the State of Maine.' There were a lot of people who thought that he said that only because I was the first

Democrat in a long time to be elected and to serve as Governor of my State.

The process has become more viable ever since; more open ever since; grass-root citizens were more interested; and yet, today, near the end of almost 25 years in public service, I find a higher degree of public skepticism and lack of confidence in political leaders, in the political process, in governmental institutions, that I can remember at any time in that quarter of a century.

The situation with which we need to be concerned and I think the burden rests, perhaps more heavily, on the shoulders of you who serve the public here in this State Capitol and in your community than even upon those of us in the federal system in Washington. And so I am interested, as I have always been, in the viability of what you are doing politically.

I do wish you well. I think the future of this system rests here even more than in Washington, and it is your responsibility, at least as much as ours, to reconvince our people that this process means something to them, that it has to do with their day to day lives, and with the problems which make life difficult for them. Until we respond in that way to them, we are going to continue to have this wide-spread skepticism which a good friend of mine expressed in this way the other day to me. He said: 'Senator, Patrick Henry thought government without representation was bad. He ought to see what it is like with representation.' That represents pretty much what our people are thinking and saying.

We wish you well; thank you for your hospitality; it is a pleasure to be back to an island that I first visited 32 years ago and I look forward to coming back many times in the future."

Senator Inouye then introduced the Honorable Senator Biden as follows:

"Now I am pleased to present to you the youngest member of the United States Senate—I believe he is the youngest in the history of the United States. He is number 99 in a membership of 100. He serves on the Public Works Committee and he is here as a member of the Subcommittee on Environmental Pollution. He is a very active member of the Committee on Banking, Housing and Urban Development. Prior to becoming a United States Senator, he was a member of the New Castle County Council.

He is here, not only as a United States Senator, but as a bachelor looking for a lovely wife and so if you are interested, and he is very serious about this, he is accepting applications.

I am pleased to present to you the Sir Gallahad and the shining light of the United States Senate, the Honorable Joseph Biden, junior Senator from the State of Delaware."

Senator Biden then addressed the members of the House as follows:

"Thank you very much; thank you, Dan.

I am delighted to be here and very impressed with, not only your physical plant, but with your female population. As your Senator, has pointed out, I would like to indicate from the start like I said in the other chamber, I am a non-partisan fellow—you need not be a Democrat or a Republican; as long as you have nice legs—the only requirement I would have.

I would like to say that one of the few Senators I knew before I was elected—actually, was about the first Senator I ever knew—but one of the few that I knew before I was elected at 29 was your Senator who introduced me this morning, and I was impressed with him then and I am even more impressed with him now after having served in the United States Senate for a little over a year. He is one of the few men around this nation, in my opinion, that has the respect of people who know exactly where he is. His integrity is beyond question and I think you are extremely fortunate, especially in this era of doubt, skepticism, as pointed out by Senator Muskie, to have a man of his integrity representing you in Washington.

I would also like to point out, in that regard, that the people of this nation are extremely concerned, as you know as well as I, and probably many of you better than I, as to whether or not our system is viable; whether or not we in public office are worthy of trust; and whether or not we can, in fact, handle the problems of the day. I hope, if anything else was learned out of the last 6 to 8 years of lies, whether it be with regard to foreign policy or domestic affairs, and those things that are better known as Watergate, I hope that there is nothing else we have learned, that democracy is not some sort of vending machine stocked with creatures—comforts and good government that will operate on its own.

Benjamin Franklin said it better than anyone that I have ever heard when approached by a lady after coming out of one of the sessions of the Constitutional Convention. She said: 'Mr. Franklin, what have you given us?' His reply was: 'A Republic, madam, if you can keep it.' I think that's just the charge that we public officials have—keeping that Republic.

On a lighter vein, I am delighted to be here with all you Irishmen. It does my

heart good to see, since my mother's maiden name was Finnegan, so many Irish representing the great State of Hawaii as evidenced by the green boutonniere. In the Irish tradition, I would like to leave you with what is known as an Irish blessing: 'May the road rise to meet you; may the wind be always at your back; may the rains fall softly upon your fields and the sun shine warmly upon your face; and until we meet again, may God hold you in the palm of his hand.

Thank you."

At 12:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:25 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Yap.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 219-74 (H. C. R. No. 23, H. D. 1):

Representative Iha moved that the report of the majority of the Committee be adopted and **H. C. R. No. 23, H. D. 1**, be adopted, seconded by Representative Nakama.

Representative Iha then offered the following amendment to **H. C. R. No. 32, H. D. 1**:

1. On line 14 on page 2, delete the word 'and' and substitute therefor a comma (,).
2. On line 15 on page 2, delete the period (.) and add the following: 'and to Mr. Claude S. Brinegar, United States Secretary of Transportation.'

Representative Iha moved that the amendment be adopted, seconded by Representative Nakama.

The motion to adopt the amendment was put by the Chair and carried by a voice vote.

Representative Iha then moved that **H. C. R. No. 23, H. D. 1**, as amended, be adopted, seconded by Representative Nakama.

Representative Iha then stated:

"Mr. Speaker, I rise to speak in favor of the adoption of **House Concurrent Resolution No. 23, H. D. 1**, requesting all involved State and County agencies to take immediate steps to expedite TH-3.

Your Committee on Transportation has conducted several hearings, taken testimonies, and received much correspondence on this issue which has generated a great deal of public response. We were gratified by the public interest displayed and the full

exposition by various groups, both public and private, of their positions. While the arguments pro and con have made the decision of your Committee no less difficult, we are confident that our recommendation has been reached after affording everyone who had something to say his opportunity to speak. This public discussion is the hallmark of our democratic process.

The reasons for our recommendation for the adoption of **House Concurrent Resolution No. 23, H. D. 1**, is fully set forth in **Standing Committee Report No. 219-74**. However, I would like to discuss some of the key points leading to our recommendation.

First, it is evident that under the latest regulations relating to the 1973 Federal-Aid Highway Act, the State has until June 1st of this year to notify the Secretary of Transportation of its intent to construct TH-3. Advocates of a November referendum notwithstanding, there is some urgency to the decision that must be made.

With reference to the City Administration's proposal to divert TH-3 federal funds to mass transit, the regulations and a letter by Frank C. Herringer, Administrator, Department of Transportation, Urban Mass Transportation Administration, dated February 25, 1974, to Mayor Fasi indicates that if a formal request to withdraw TH-3 in favor of a substitute mass transit project is made, it must be accompanied by, among other things, a justification why TH-3 is not essential to the completion of a unified and connected interstate system and why it will not be built. We honestly cannot conceive of such a justification.

Furthermore, abandonment of TH-3 now would not leave the State in as flexible a posture than if it were to proceed with TH-3. It is our understanding that Section 110 of the 1973 Highway Act indicates that the Secretary may still remove a segment of the interstate system if by July 1, 1975, a state does not submit a schedule and assurances that the schedule will be met. It thus appears that a State has at least until July 1, 1975, to substitute a mass transit project.

On the other hand, if the State were to abandon TH-3, there are no assurances that the over \$100 million in federal funds available for TH-3 will be transferred to some other project.

Second, Support of TH-3 does not preclude support or use of federal funds for mass transit. The Interstate Highway Program is scheduled to be completed by 1980 or shortly thereafter. It would appear likely that the Federal Highway Trust Funds would then be available for the development of mass transit systems throughout the nation. The federal

administration has also submitted to Congress this year a new unified transportation assistance program to provide about \$16 billion over the next six years for metropolitan areas.

Third. While during your Committee's deliberations, the environmental and social impact of TH-3 were brought out. Your Committee also found the visual, noise and air pollution would occur if alternatives to TH-3 were implemented; specifically, additional peak-hour vehicles through either Nuuanu (Pali Highway) or Kalihi (Wilson Tunnel) resulting from the construction of a reversible busway and tunnel bore would lead to environmental effects, on balance, more adverse than effects in Moanalua. In addition, adverse social effects would also occur.

Although environmental and conservation advocates were most vocal on this issue, your Committee views as more representative of the community's sentiment the letters received from the public in the last week or so which has run from twenty to twenty-five to one in favor of TH-3.

Finally, the issues, as stripped down to the nitty-gritty, are not as some advocates would have you believe to be a choice of TH-3 versus mass transit, but a choice between rapid transit (TH-3) and no rapid transit (no TH-3). In this context, the issue is: Should the State give up in excess of \$100 million in federal funds to provide rapid transit to Windward Oahu for the alternative of diverting some unascertained and unguaranteed amount to provide mass transit somewhere within Oahu proper with rapid transit—maybe—to Kailua by 1979.

Mr. Speaker, I submit that the issue, when so drawn, admits of but one proper decision. For this and the other reasons given, I urge the adoption of **House Concurrent Resolution No. 23, H. D. 1.**"

Representative Sakima then rose and stated:

"Mr. Speaker, I rise to speak in favor of **H. C. R. No. 23.**

Mr. Speaker, I am sure that all of us have our opinions on TH-3. The energy crisis has turned many heads and now they are examining several alternative modes of transit. Yet, some factors are inescapable. The center of gravity for Hawaii's population has slowly moved in the Ewa direction and towards the Koolaus with more of our population living in the Leeward and Windward areas.

Even Honolulu Stadium is migrating Ewa and Oahu sports fans can anticipate a horrendous traffic jam at games because all Windward vehicles must travel via Lunalilo

Freeway and Moanalua Highway. The TH-3 which is a direct link to the stadium will relieve the congestion. Otherwise, to deal with the increase of traffic, a tunnel is needed.

Hearings held throughout the summer have indicated that residents of Kalihi and Nuuanu will tolerate no more construction, no more property taking and no more traffic in their valleys. They have had it. 80% of those who testified at the Department of Transportation hearings favor transit through the Halawa corridor rather than through Kalihi or Palama. Present plans by the Department of Transportation would include a balanced transportation highway and the best possible solution for the trans-Koolau.

Finally, Mr. Speaker, it should be noted to those who advocate a mass transit system as the only solution have given us assurances that mass transit would reduce the number of vehicles on the highway. The risk of failure is then burdened by the residents of Kalihi and Palama. It is they who must tolerate our failure to act expediently in this matter so I urge an aye vote on this **H. C. R. No. 23, as amended.**"

Representative A. Chong then rose and stated:

"Mr. Speaker, I rise to speak against the construction of TH-3 and against this concurrent resolution. The construction of TH-3 will increase traffic and unsightly development in the relatively unspoiled Windward areas. We need an efficient mass transit system, not more freeways.

I firmly believe in preserving a quality of life that reflects sensible, humane growth patterns to ensure a liveable Hawaii for future generations.

Mr. Speaker, there is a great deal that is right in this State. We are a strong, decent, ethnically integrated and compassionate people. We are intelligent and inventive. We are industrious and vital. By working together and calling for a clean, efficient mass transit system, we can today commit ourselves to maintaining a clean environment for tomorrow.

We need responsible legislation that will ensure a low cost, quality mass transit system which will benefit all who live and work on Oahu and all who visit our island in search of beauty and peace. Mr. Speaker, I hope that we will do our part to meet this responsibility. We have a responsibility not only to the present, but also to the future.

For these reasons, Mr. Speaker, I urge all members of this Honorable Body to vote against **H. C. R. 23, H. D. 1.**"

Representative King then rose and stated:

"Mr. Speaker, I rise to speak against the resolution.

We are all sitting here today wearing green. Green is something that's very precious to all of us, particularly living green, particularly in a valley like Moanalua. I could talk about that valley—the beauty there, the silences, the special sounds, how particularly precious it is in an ever urbanizing area. But that is not the point nor even its rich cultural and historical legendary background. But that's not the point I'll stress this morning while we're all sitting here wearing green.

The point I want to make is that we have to begin to look beyond stop-gap measures. We have to look ahead to what we want Hawaii to be. If we put this highway through, what we are doing is making a further commitment to the automobile. We're going to let the tail wag the dog again; we're not going to decide where we're going to go, not planning ahead of time.

The real plea I want to make this morning is for long-range planning rather than short-term. Where the Princess Kaiulani Hotel now stands in Waikiki was once a beautiful garden owned by Archibald Cleghorn, Princess Kaiulani's father. He offered to will that garden to the Territory. The Territorial Legislature turned it down because they thought it would be more economically advantageous to be able to develop that area. These men in the Territorial Legislature at that time were not men of evil intent, they thought they were doing what was best for the Territory. But they were taking the short-range point of view rather than the long.

I think it is easier for me to speak against this resolution because I don't live on the Windward side. If I had to hassle that traffic twice a day, it will be more difficult for me. But I do think that we really have to look ahead and, therefore, I urge everyone to vote against this resolution."

Representative R. Garcia then rose and stated:

"I rise to speak against this resolution.

Mr. Speaker, the issues surrounding TH-3 have been debated in the community and in legislative committees for several years. For this reason, I would not like to go into the points of controversy, but rather just to register for the record my opposition to this resolution.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak against the resolution.

Mr. Speaker, H-3, or as we call it now, TH-3, is a classic example of poor planning—poor planning in the sense that alternate routes were considered only after the controversy erupted over whether or not to place this corridor in Moanalua Valley. In short, the consideration of alternatives came only after the fact, not before.

But it goes deeper than that, Mr. Speaker. For the community, opinion is divided on this issue, even in Kaneohe, and residents in that community are worried about how far the freeway will extend and whether or not its end will result in another new shopping center and another new development and they are upset about the amount of construction going on right in their own streets.

Third, Mr. Speaker, I think we have to take cognizance of the final effect that will result in any new corridor for we will have increased avenue and increased number of cars going to the same area downtown where there are only the same number of parking spaces and if we continue to add corridors, then we are going to consider the alternatives of double-decking our parking lots downtown or doubling the width of our streets or taking some measure to accommodate this kind of increased traffic flow.

In addition, Mr. Speaker, I have not yet seen any detailed study on the mass transit alternatives available for the existing freeways and I ask, why should we also make our decisions based only on the availability of federal funds? Isn't it a more rational policy to decide on the basis of what is best for Hawaii, rather than how much money is available?

Another point was brought out by one of the previous speakers relative to a question of referendum, and here, I think, the ultimate voice of the people is being denied because we would have the availability to put this issue to a question on a November ballot as a referendum even if it meant continuing interim construction in the meantime because, as I understand it, we have until July 1, 1975, whether or not to decide to substitute mass transit for TH-3.

Originally, Mr. Speaker, I felt there was a need for another corridor, but now, in view of the energy crisis, I ask, how can we justify to continue to an even increased dependence on a car-oriented economy and for that reason as well, I think this resolution is premature and should be voted down.

Thank you."

Representative Yap then rose and spoke in

favor of the concurrent resolution as follows:

"Mr. Speaker, as I stand here today, the question is not whether to build TH-3 or not to build. The question is when are we going to finish it?

I, for one, would not like to see the Likelike Highway be made as an alternative to TH-3. I believe that people in Kalihi-Palama have shared the growth above every other community. Kalihi-Palama have accepted everything the State and federal agencies have thrown and we are not in a position, at this time, to accept any more responsibilities.

TH-3 is a responsibility to be shared by all the communities on Oahu and not be thrown in Kalihi-Palama. I think we have more than bore our share of development and growth.

Thank you."

Representative Iha again rose and reiterated:

"Mr. Speaker, I want to make one point clear. The State is compelled to make a decision by June 1st of this year to notify the Secretary of Transportation of its intent to continue with the construction of TH-3, and to wait until November to put this issue to a question as a referendum would be a little too late."

Representative Kimura then rose and spoke in favor of H. C. R. No. 23, as amended, as follows:

"Mr. Speaker, as a resident of Nuuanu, affected by the heavy Pali Highway traffic, I rise to speak in support of **House Concurrent Resolution 23**. As the resolution points out, the rapid growth of Windward Oahu and the resulting heavy commuting traffic to downtown Honolulu means that the two existing roadways—the Likelike and Pali Highways—are both being used at a level fifty percent beyond their design capacities. Not only does this create serious traffic hazards and dangerous highway overload, but the communities surrounding these roadways, such as Kalihi and Nuuanu, are profoundly affected by the constantly heavy traffic passing through their midst.

Construction of TH-3 would divert a substantial portion of the peak rush hour traffic from the Likelike and Pali Highways, for it is projected that by 1990 over thirty percent of the Windward workers will be traveling to jobs in the Pearl Harbor area and points west. The existing Likelike and Pali Highways simply cannot handle the projected peak traffic and mass transit needs over the next ten and twenty years. The use of reversible bus lanes on the two existing highways would be an inadequate and unsafe solution to the mass transit needs of Windward Oahu, and the construction of a revers-

ible busway tunnel bore through either Nuuanu or Kalihi valleys, as some have proposed an alternative to TH-3, would lead to negative environment and social effects in the Nuuanu and Kalihi valleys, at least as serious as the alleged effects on Moanalua Valley.

The completion of TH-3 is not intended to slow down or halt the healthy trend we see today towards greater use of mass transit and car pooling. These modes of travel provide vital means of preserving our nation's precious gas and energy supplies. In fact, it was to encourage these very trends that the original plans for H-3 have been modified to include rapid transit lanes. TH-3 will thus provide needed flexibility in moving, not only people, but also goods, supplies and other heavy construction materials which would not be practical on a fixed guideway transit system.

As the Chairman of the Transportation Committee has explained, the alternative we face is one of diverting some unknown and unguaranteed amount of federal money from the completion of our comprehensive island-wide highway system to the extremely expensive fixed guideway system proposed by the City for Leeward and downtown Honolulu. While I believe such a rapid transit system may be a desirable goal for the future, it should not be obtained by short-changing the citizens of Windward Oahu. TH-3 appears to offer the greatest flexibility and viability in planning for the projected growth of Windward Oahu and providing the services necessary for the thousands of our citizens who have chosen—and will continue to choose—to make their homes and raise their families away from the urban congestion of downtown Honolulu.

For these reasons and others explained by the Transportation Committee Chairman, I urge the members of this House to vote in favor of **House Concurrent Resolution 23**, as amended."

Representative King then rose and requested a roll call vote on H. C. R. No. 23, H. D. 1, as amended.

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H. C. R. No. 23, H. D. 1, as amended, was adopted by a roll call vote of 37 ayes to 8 noes, with Representatives Aduja, Carroll, A. Chong, Cobb, R. Garcia, Hapai, King and Leopold voting no and Representatives Ajifu, Aki, Kihano, Oda, Roehrig and Uechi being excused.

At 12:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 12:51 o'clock p.m., the House of Represent-

atives reconvened.

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

ADJOURNMENT

At 12:53 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 19, 1974.

FORTY-FOURTH DAY

Tuesday, March 19, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend T. Samuel Lee, Pastor of Parker United Methodist Church, after which the Roll was called showing all members present, with the exception of Representatives Kato and Yamada who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Third Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Forty-Third Day was approved.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 61) transmitting copies of a report on a 1974 update on the State Housing Program was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 40 to 43) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 40) returning **House Concurrent Resolution No. 55** which was adopted by the Senate on March 18, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 41) returning **House Concurrent Resolution No. 56** which was adopted by the Senate on March 18, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 42) transmitting **Senate Concurrent Resolution No. 44** extending congratulations to the Soil Conservation Society of America on its 29th Anniversary was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, **S. C. R. No. 44** was adopted.

A communication from the Senate (Sen. Com. No. 43) transmitting **Senate Concurrent Resolution No. 45** commending the Soil Conservation Service upon publication of soil surveys for the complete State of Hawaii was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, **S. C. R. No. 45** was adopted.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 28 to 29) were read by the Clerk and were disposed of as follows:

A communication from Larry Price, University of Hawaii head football coach (Misc. Com. No. 28) acknowledging receipt of **H. R. No. 307** was placed on file.

A communication from James S. Ushijima, County Clerk, County of Maui (Misc. Com. No. 29) transmitting a copy of **Resolution No. 52** encouraging the passage of **H. B. No. 1635, H. D. 2**, which was adopted by the Maui Council was placed on file.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following bills (**H. B. Nos. 2547-74, 2688-74 and 1447**) were re-referred as follows:

H. B. No.	Re-referred to:
2547-74	Committee on Environmental Protection, then to the Committee on Judiciary and Corrections
2688-74	Committee on Housing, then to the Committee on Finance
1447	Committee on Housing, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (**H. R. Nos. 366 to 372**) and concurrent resolution (**H. C. R. No. 57**) were disposed of as follows:

H. R. No.	Referred to:
366	Committee on Labor and Public Employment, then to the Committee on Finance
367	Committee on Finance
368	Committee on Education, then to the Committee on Finance
369	Committee on Education, then to the Committee on Finance
370	Committee on Higher Education, then to the Committee on Finance
371	Committee on Finance

On motion by Representative Ajifu, seconded by Representative Oda and carried, **H. R. No. 372** was adopted.

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

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 226-74) informing the House that House Resolution Nos. 361 to 372, House Concurrent Resolution No. 57, Standing Committee Report Nos. 227-74 to 236-74, Floor Amendments to House Bill Nos. 639, H. D. 2, 2362, H. D. 2, 2466, H. D. 2 and House Concurrent Resolution No. 23, H. D. 2 had been printed and distributed.

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

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 227-74) recommending that H. B. No. 497 be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 497, 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. 228-74) recommending that S. B. No. 1559-74 pass Second Reading and be placed on the calendar for Third 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. 1559-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 20, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 229-74) recommending that H. B. No. 2943-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2943-74 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. 230-74) recommending that H. B. No. 2942-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2942-74 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. 231-74) recommending that H. B. No. 2607-74 be referred to the Committee on Finance.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2607-74 was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 232-74) recommending that H. B. No. 1159, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 1159, H. D. 1 was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 233-74) recommending that H. B. No. 63 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 63, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 20, 1974.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 234-74) recommending that H. B. No. 2065-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 234-74 on H. B. No. 2065-74, H. D. 1 was deferred until tomorrow, March 20, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2065-74, H. D. 1 were made available to the members of the House at 11:30 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 235-74) recommending that H. B. No. 2276-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2276-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 20, 1974.

Representative Lee, for the majority of the Committee on Labor and Public Employment,

presented a report (Stand. Com. Rep. No. 236-74) recommending that H. B. No. 3096-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the majority of the Committee was adopted and H. B. No. 3096-74, as amended, passed Second Reading and was referred to the Committee on Finance.

The Chair here directed the Clerk to note that printed copies of S. B. No. 1559-74, H. D. 1 and H. B. Nos. 63, H. D. 1 and 2276-74, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

A resolution (H. R. No. 373) commending certain individuals for their many years of public service to the Palolo community 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, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medina, Nakama, O'Connor, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yap, Yim, Young, Yuen and Beppu and was read by the Clerk.

On motion by Representative Morioka, seconded by Representative Sakima and carried, H. R. No. 373 was adopted.

By unanimous consent, the following resolutions (H. R. Nos. 374 to 393) and concurrent resolutions (H. C. R. Nos. 58 to 60) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 20, 1974:

A resolution (H. R. No. 374) requesting the Honolulu Stadium, Ltd., to refrain from committing the Honolulu Stadium site for any purpose other than a recreational park complex was jointly offered by Representatives Akizaki, Carroll, A. Chong, Fong, King, Leopold, Ushijima and Wedemeyer.

A resolution (H. R. No. 375) requesting the various counties to emphasize enforcement of anti-littering laws and to consider adoption of more stringent penalties for violation of anti-littering laws was jointly offered by Representatives Medina, Carroll, R. Garcia, Iha, Kawakami, Lee, Leopold, Lunasco, Wong and Yuen.

A resolution (H. R. No. 376) relating to unemployment compensation was jointly offered by Representatives King, Aki, Akizaki, A. Chong, R. Garcia, Iha, Medina, Takamine, Yap and Young.

A resolution (H. R. No. 377) relating to the

preparation of testimony for public hearings was jointly offered by Representatives King, Aki, Akizaki, A. Chong, W. Chong, R. Garcia, Iha, Kato, Kihano, Medeiros, Medina, Morioka, Nakama, Roehrig, Takamine and Yap.

A resolution (H. R. No. 378) requesting the University of Hawaii to conduct a study on its unemployed graduates was jointly offered by Representatives R. Garcia, Lunasco and Takamine.

A resolution (H. R. No. 379) relating to a study of the placement of permanent resident immigrants in employment was jointly offered by Representatives R. Garcia, Lunasco and Takamine.

A resolution (H. R. No. 380) requesting the placement of a limit on the types of legislative bills which may be introduced was jointly offered by Representatives Cobb, Ajifu, Aki, W. Chong, R. Garcia, Lunasco, Medeiros, Soares, Uechi, Yap and Yim.

A resolution (H. R. No. 381) requesting the Department of Education to implement the mandatory "mini-course" in consumer education was offered by Representative Wasai.

A resolution (H. R. No. 382) requesting the Department of Education to offer electives on Hawaiian Language and Hawaiian history was offered by Representative Wasai (by request).

A resolution (H. R. No. 383) requesting the Department of Education to conduct a year-round school concept feasibility study was offered by Representative Wasai.

A resolution (H. R. No. 384) relating to the offering for sale of academic writing and research at the University of Hawaii was jointly offered by Representatives Oda, Aduja, Ajifu, Aki, Amaral, W. Chong, Cobb, Fong, J. Garcia, Iha, Lee, Leopold, Medeiros, Poepoe, Saiki, Soares, Yamada and Yuen.

A resolution (H. R. No. 385) requesting the Department of Land and Natural Resources to conduct a study of water use and development for the Kona and Kohala areas of the island of Hawaii was jointly offered by Representatives Hapai, Aduja, Ajifu, Aki, A. Chong, W. Chong, J. Garcia, Iha, Leopold, Uechi, Yim and Yuen.

A resolution (H. R. No. 386) relating to the tourist industry in Hawaii County was jointly offered by Representatives Hapai, Aduja, Ajifu, Aki, A. Chong, W. Chong, J. Garcia, Iha, Leopold, Nakama, Takamine, Uechi, Yim and Yuen.

A resolution (H. R. No. 387) requesting the attorney general to investigate Hawaiian Telephone Company's special assemblage tariff for possible violation of the antitrust laws was jointly offered by Representatives Leopold, R. Garcia and Lunasco.

A resolution (H. R. No. 388) requesting the director of Regulatory Agencies to pursue to the fullest those persons wishing to deceive the public in land development schemes was jointly offered by Representatives Carroll, Amaral, Cobb, Iha, King, Leopold, Morioka and Takamine.

A resolution (H. R. No. 389) relating to the public assistance program was offered by Representative Carroll.

A resolution (H. R. No. 390) requesting free bus passes for disabled veterans was jointly offered by Representatives Carroll, Aki, Cobb, Iha, King and Leopold.

A resolution (H. R. No. 391) requesting the Department of Taxation to investigate the feasibility of allowing "under-withholding" by taxpayers was jointly offered by Representatives Carroll, Cobb, Iha and Leopold.

A resolution (H. R. No. 392) requesting an admission policy for State-funded public attractions was jointly offered by Representatives Carroll, Cobb, Medina, O'Connor and Suwa.

A resolution (H. R. No. 393) relating to public libraries was jointly offered by Representatives Carroll, Aduja, Fong, R. Garcia, Hapai, Medeiros, Medina, O'Connor, Saiki, Wakatsuki, Wedemeyer and Yamada.

A concurrent resolution (H. C. R. No. 58) requesting the Honolulu Stadium, Ltd., to refrain from committing the Honolulu Stadium site for any purpose other than a recreational park complex was jointly offered by Representatives Akizaki, Carroll, A. Chong, Fong, King, Leopold, Ushijima and Wedemeyer.

A concurrent resolution (H. C. R. No. 59) requesting the placement of a limit on the types of legislative bills which may be introduced was jointly offered by Representatives Cobb, Ajifu, Aki, W. Chong, R. Garcia, Lunasco, Medeiros, Soares, Uechi, Yap and Yim.

A concurrent resolution (H. C. R. No. 60) requesting the creation of a Blue Ribbon Committee consisting of members from each House to conduct a thorough investigation, review and evaluation of all welfare programs and seek methods to eliminate fraud was jointly offered by Representatives Soares, Aduja, Ajifu, Carroll, W. Chong, Cobb, Fong, J. Garcia, Leopold, Oda, Poepoe, Saiki and Yamada.

At 11:14 o'clock a.m. the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:07 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Kato and Yamada.

SUSPENSION OF RULES

On motion by Representative Kimura, second-

ed by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 2858-74

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 2858-74 passed Third Reading by a vote of 50 ayes, with Representative Nakama being excused.

H. B. No. 2840-74

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 2840-74 passed Third Reading by a vote of 50 ayes, with Representative Nakama being excused.

H. B. No. 2416-74

On motion by Representative Lee, seconded by Representative Takamine, H. B. No. 2416-74 passed Third Reading by a vote of 50 ayes, Representative Nakama being excused.

H. B. No. 2198-74

On motion by Representative Medina, seconded by Representative Wedemeyer, H. B. No. 2198-74 passed Third Reading by a vote of 50 ayes, with Representative Nakama being excused.

H. B. No. 2471-74

On motion by Representative Kawakami, seconded by Representative A. Chong, H. B. No. 2471-74 passed Third Reading by a vote of 50 ayes, with Representative Nakama being excused.

The Chair here directed the Clerk to note that H. B. Nos. 2858-74, 2840-74, 2416-74, 2198-74 and 2471-74 had passed Third Reading not earlier than 12:10 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 220-74 on H. B. No. 2049-74, deferred from March 18, 1974.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2049-74 passed Third Reading by a vote of 50 ayes, with Representative Nakama being excused.

ADJOURNMENT

At 12:12 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 20, 1974.

FORTY-FIFTH DAY

Wednesday, March 20, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend William A. Collins, Jr., Pastor of Emmanuel Episcopal Church, after which the Roll was called showing all members present with the exception of Representatives A. Chong, Kato, Kawakami, Kimura, Lunasco, O'Connor, Poepoe, Roehrig and Wakatsuki who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 62 and 63) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 62) informing the House that he had signed the following bills on March 12, 1974: Senate Bill No. 1481-74 as Act 2, Senate Bill No. 1509-74 as Act 3, and Senate Bill No. 1514-74 as Act 4, was placed on file.

A message from the Governor (Gov. Msg. No. 63) informing the House that he had signed Senate Bill No. 1867-74 as Act 5 on March 14, 1974, was placed on file.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 44) transmitting Senate Concurrent Resolution No. 18 requesting the several health professions and health providers to recommend legislation for continuing medical education and relicensure programs, was read by the Clerk and was placed on file.

By unanimous consent, action on S. C. R. No. 18 was deferred until later in the calendar.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H. R. Nos. 374 to 393) and concurrent resolutions (H. C. R. Nos. 58 to 60 and S. C. R. No. 18) were disposed of as follows:

H. R. No.	Referred to:
374	Committee on Higher Education, then to the Committee on Finance

375	Committee on Federal-State-County
376	Committee on Labor and Public Employment, then to the Committee on Finance
377	Jointly to the Committees on Legislative Management and Finance
378	Committee on Higher Education, then to the Committee on Finance
379	Committee on Labor and Public Employment, then to the Committee on Finance
380	Committee on Legislative Management, then to the Committee on Judiciary and Corrections
381	Committee on Education, then to the Committee on Finance
382	Committee on Education, then to the Committee on Finance
383	Committee on Education, then to the Committee on Finance
384	Committee on Higher Education
385	Committee on Water, Land Use and Development, then to the Committee on Finance
386	Committee on Water, Land Use and Development, then to the Committee on Tourism, then to the Committee on Finance
387	Committee on Consumer Protection, then to the Committee on Finance
388	Committee on Consumer Protection, then to the Committee on Finance
389	Committee on Public Health and Welfare, then to the Committee on Finance
390	Committee on Federal-State-County
391	Committee on Finance
392	Committee on Finance
393	Committee on Education, then to the Committee on Finance

H. C. R. No.	Referred to:
58	Committee on Higher Education, then to the Committee on Finance
59	Committee on Legislative Management, then to the Committee on Judiciary and Corrections
60	Committee on Public Health and Wel-

fare, then to the Committee on Labor and Public Employment, then to the Committee on Finance

S. C. R. No.

18 Committee on Public Health and Welfare

At this time, the Chair directed the Clerk to note the presence of Representatives Kawakami, Lunasco and Roehrig.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (**Stand. Com. Rep. No. 237-74**) informing the House that **House Resolution Nos. 373 to 393, House Concurrent Resolution Nos. 58 to 60, and Standing Committee Report Nos. 238-74 to 265-74** had been printed and distributed.

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

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 238-74**) recommending that **H. B. No. 2681-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2681-74**, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 239-74**) recommending that **H. B. No. 3051-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 3051-74**, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 240-74**) recommending that **H. B. No. 2872-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2872-74** passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Yap, for the Committee on

Consumer Protection, presented a report (**Stand. Com. Rep. No. 241-74**) recommending that **H. B. No. 2436-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2436-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 242-74**) recommending that **H. B. No. 2758-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kihano, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2758-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (**Stand. Com. Rep. No. 243-74**) recommending that **H. B. No. 3004-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and **H. B. No. 3004-74** passed Second Reading and was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 244-74**) recommending that **H. B. No. 2545-74** be referred to the Committee on Finance with certain amendments.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 2545-74**, as amended, was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 245-74**) recommending that **H. B. No. 740** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 740** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 246-74**) recommending that **H. B. No. 692** be referred to the Committee on Finance with certain amendments.

On motion by Representative Wasai, seconded by Representative Young and carried, the report

of the Committee was adopted and **H. B. No. 692**, as amended, was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 247-74**) recommending that **H. B. No. 2714-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2714-74** passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 248-74**) recommending that **H. B. No. 2900-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2900-74** passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 249-74**) recommending that **H. B. No. 3039-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 3039-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 250-74**) recommending that **H. B. No. 2863-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2863-74** passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 251-74**) recommending that **H. B. No. 2862-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2862-74** passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 252-74**) recommending that **H. B. No. 2345-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2345-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 253-74**) recommending that **H. B. No. 570** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 570**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 254-74**) recommending that **H. B. No. 2352-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2352-74**, 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. 255-74**) recommending that **H. B. No. 719** be referred to the Committee on Finance with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 719**, as amended, was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (**Stand. Com. Rep. No. 256-74**) recommending that **H. B. No. 2915-74** pass Second Reading and be referred to the Committee on Public Health and Welfare with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2915-74**, as amended, passed Second Reading and was referred to the Committee on Public Health and Welfare.

Representative Kawakami, for the Committee

on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 257-74) recommending that H. B. No. 2871-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Wedemeyer and carried, the report of the Committee was adopted and H. B. No. 2871-74 passed Second Reading and 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. 258-74) recommending that H. B. No. 2841-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Wedemeyer and carried, the report of the Committee was adopted and H. B. No. 2841-74 passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 259-74) recommending that H. B. No. 2331-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2331-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 260-74) recommending that H. B. No. 1931 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kihano, seconded by Representative Medina and carried, the report of the Committee was adopted and H. B. No. 1931, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 261-74) recommending that H. B. No. 2470-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Roehrig and carried, the report of the Committee was adopted and H. B. No. 2470-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand.

Com. Rep. No. 262-74) recommending that H. B. No. 2297-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 262-74 on H. B. No. 2297-74, H. D. 1 was deferred until tomorrow, March 21, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2297-74, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

Representative Yap, for the majority of the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 263-74) recommending that S. B. No. 1498-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the majority of the Committee was adopted and S. B. No. 1498-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

Representative Yap, for the majority of the Joint Committees on Consumer Protection, Judiciary and Corrections and Finance, presented a report (Stand. Com. Rep. No. 264-74) recommending that H. B. No. 2480-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Suwa and carried, the report of the majority of the Joint Committees was adopted and H. B. No. 2480-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 265-74) recommending that H. B. No. 2941-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2941-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 21, 1974.

The Chair directed the Clerk to note that printed copies of H. B. Nos. 2331-74; 1931, H. D. 2; 2470-74; 2480-74, H. D. 1; and 2941-74, H. D. 1; and S. B. No. 1498-74 were made available to the members of the House at 11:00 o'clock a.m.

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

Upon reconvening at 11:13 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Kimura, O'Connor, Poepoe and Wakatsuki.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 394 to 400) and concurrent resolution (H. C. R. No. 61) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 394) honoring Emory Bronte, for his historic Transpacific air flight was jointly offered by Representatives Carroll, Aduja, Ajifu, Aki, Amaral, Cobb, J. Garcia, Iha, King, Kunimura, Leopold, Medina, Morioka, Nakama, Takamine and Wakatsuki.

On motion by Representative Carroll, seconded by Representative Iha and carried, H. R. No. 394 was adopted.

A resolution (H. R. No. 395) honoring Jeris White for his fine athletic accomplishments was jointly offered by Representatives Fong, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, Hapai, Iha, Kawakami, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Uechi, Ushijima, Wasai, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Fong, seconded by Representative Lee and carried, H. R. No. 395 was adopted.

A resolution (H. R. No. 396) honoring and commending Mr. Faustino Respicio for contributing to and serving the Filipino Community in Hawaii through his popular and successful program, "Filipino Fiesta" was jointly offered by Representatives Aduja, Akizaki, A. Chong, de la Cruz, Kato, Kihano, Kishinami, Kunimura, Lunasco, Medina, Morioka, Nakama, Sakima, Takamine, Wong, Yap, Yim and Young.

On motion by Representative Aduja, seconded by Representative Medina and carried, H. R. No. 396 was adopted.

A resolution (H. R. No. 397) commending the United Filipino Council of Hawaii for its efforts in the preservation and promotion of the Filipino culture was jointly offered by Representatives Aduja, Akizaki, A. Chong, de la Cruz, Kato, Kihano, Kishinami, Kunimura, Lunasco, Medina, Morioka, Nakama, Sakima, Takamine, Wong, Yap, Yim and Young.

On motion by Representative Aduja, seconded by Representative Medina and carried, H. R. No. 397 was adopted.

A resolution (H. R. No. 398) congratulating Randall N. Kamiya, winner of the 1974 Outstanding Young Farmer award was jointly offered by Representatives Wasai, Aduja, Akizaki, A. Chong, Cobb, de la Cruz, R. Garcia, Iha, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medina, Mo-

rioka, Nakama, O'Connor, Roehrig, Sakima, Takamine, Uechi, Ushijima, Wakatsuki, Wedemeyer, Wong, Yap, Young, Yuen and Beppu.

On motion by Representative Wasai, seconded by Representative Sakima and carried, H. R. No. 398 was adopted.

A resolution (H. R. No. 399) thanking Dr. Leslie Swindale for his services to the United Nations Association and to the people of Hawaii was jointly offered by Representatives A. Chong, Aduja, Hapai, Kawakami, Kimura, Kunimura, Medina, Morioka, Nakama, Wong and Beppu.

On motion by Representative Kawakami, seconded by Representative Roehrig and carried, H. R. No. 399 was adopted.

A resolution (H. R. No. 400) congratulating the women of the Class of 1975, Kamehameha Schools was jointly offered by Representatives Kimura, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kawakami, Kihano, Kishinami, Kondo, Kunimura, Lee, 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 Kimura, seconded by Representative Poepoe and carried, H. R. No. 400 was adopted.

At this time, Representative Kimura introduced to the members of the House Ms. Reiko Fukino.

A concurrent resolution (H. C. R. No. 61) congratulating Governor John A. Burns was jointly offered by Representatives Ushijima, Aduja, Akizaki, de la Cruz, J. Garcia, R. Garcia, Iha, Kihano, Kishinami, Kondo, Kunimura, Medina, Morioka, Nakama, O'Connor, Roehrig, Soares, Suwa, Wasai, Yap and Beppu.

On motion by Representative Ushijima, seconded by Representative de la Cruz and carried, H. C. R. No. 61 was adopted.

By unanimous consent, the following resolutions (H. R. Nos. 401 to 445) and concurrent resolutions (H. C. R. Nos. 62 to 72) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 21, 1974:

A resolution (H. R. No. 401) requesting the Department of Land and Natural Resources to expedite the development of the master plan for the Makiki Tantalus State Park complex was jointly offered by Representatives Ushijima, A. Chong, Fong and King.

A resolution (H. R. No. 402) requesting the Hawaii Institute of Marine Biology to conduct a study of the Kahala (Amberjack) fish to de-

termine the cause of the ill-effects suffered by people who eat the fish was jointly offered by Representatives Kunimura, Kawakami and Yamada.

A resolution (H. R. No. 403) urging recognition and designation of the Kalaupapa Settlement as a historical site was jointly offered by Representatives Kondo, Aduja, Ajifu, Aki, Akizaki, Amaral, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kunimura, Lee, Lunasco, 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.

A resolution (H. R. No. 404) requesting the State of Hawaii to make available its land or air space under the freeway at Lehua Avenue for student housing was jointly offered by Representatives Young, R. Garcia, Kihano, Kishinami, Oda, Sakima, Suwa, Takamine, Ushijima and Wasai.

A resolution (H. R. No. 405) requesting the study of unfair practices in the production and sale of island beef was jointly offered by Representatives Kimura, Iha, Kawakami, Kihano, Kishinami, Kondo, Kunimura, Medina, Morioka, Nakama, Sakima, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wedemeyer, Yap, Yuen and Beppu.

A resolution (H. R. No. 406) relating to the need for an overpass or underpass across Dole Street was jointly offered by Representatives Morioka, Akizaki, A. Chong, de la Cruz, Iha, Kato, Kimura, Kishinami, Kondo, Kunimura, Lunasco, Oda, Roehrig, Sakima, Suwa, Ushijima, Wedemeyer, Yap, Yuen and Beppu.

A resolution (H. R. No. 407) requesting the DOE to use vacant school facilities for office space was jointly offered by Representatives Morioka, Akizaki, A. Chong, de la Cruz, Iha, Kato, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Oda, Roehrig, Sakima, Suwa, Ushijima, Wedemeyer, Yap, Yuen and Beppu.

A resolution (H. R. No. 408) relating to the need for recreational facilities at the University of Hawaii at Manoa was jointly offered by Representatives Morioka, Akizaki, A. Chong, de la Cruz, Iha, Kato, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Oda, Roehrig, Sakima, Suwa, Ushijima, Wedemeyer, Yap, Yuen and Beppu.

A resolution (H. R. No. 409) requesting the Hawaii Visitors Bureau to emphasize Hawaii as a vacation site was jointly offered by Representatives A. Chong, Akizaki, Cobb, R. Garcia, Hapai, Lunasco, Wasai, Wedemeyer, Yim and Yuen.

A resolution (H. R. No. 410) requesting the Legislative Reference Bureau and the Clerk of the House to provide and make available digests of each bill and resolution introduced into the House of Representatives for use of the general public was jointly offered by Representatives A. Chong, Akizaki, Cobb, de la Cruz, R. Garcia, Hapai, King, Lunasco, Wasai, Wedemeyer, Yim and Yuen.

A resolution (H. R. No. 411) requesting a study on the feasibility of requiring certain businesses to close on Sundays was offered by Representative Lee. (By Request)

A resolution (H. R. No. 412) relating to the internal savings of the Department of Education was jointly offered by Representatives Takamine, Ajifu, Aki, Akizaki, Amaral, W. Chong, Fong, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kishinami, Kondo, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, Oda, Roehrig, Saiki, Sakima, Suwa, Wasai, Yap, Young, Yuen and Beppu.

A resolution (H. R. No. 413) requesting the appointment of an interim committee concerned with the high cost of living was offered by Representative R. Garcia.

A resolution (H. R. No. 414) asking Hawaii's citizens to come forward to insure a more responsive legislature was offered by Representative R. Garcia.

A resolution (H. R. No. 415) requesting a legislative investigation of the operations of the Harbors Division of the Department of Transportation, State of Hawaii was jointly offered by Representatives Iha, Fong, Lee, Morioka, Nakama, Oda, Takamine, Ushijima and Wasai.

A resolution (H. R. No. 416) relating to a comprehensive reexamination of Hawaii's public education system was jointly offered by Representatives Cobb, Aduja, de la Cruz, Fong, Hapai, Kunimura, Lunasco, Suwa, Wong, Yamada and Yim.

A resolution (H. R. No. 417) requesting the Legislative Reference Bureau to study the Department of Education proposal to hire adults for the purpose of directing traffic before and after the regular school day was jointly offered by Representatives Wasai, Medina, Morioka and Nakama.

A resolution (H. R. No. 418) requesting the House Committee on Agriculture to conduct interim hearings on a comprehensive plan for Hawaiian agriculture was jointly offered by Representatives Uechi, Aki, Ajifu, de la Cruz, R. Garcia, Hapai, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lunasco, Medina, Oda, Roehrig, Takamine, Wasai, Wong and Yim.

A resolution (H. R. No. 419) requesting the Department of Education to evaluate its use and

actual implementation of the master plan for public education in Hawaii was jointly offered by Representatives Ajifu, Aki, Amaral, W. Chong, J. Garcia, Hapai, Kimura, Medina, Oda, Soares, Uechi, Ushijima and Yamada.

A resolution (H. R. No. 420) requesting the Department of Education to examine the feasibility of having the various branches of the United States Armed Forces be responsible for developing and maintaining educational systems for their respective military dependents was jointly offered by Representatives Oda, Aduja, Ajifu, Aki, W. Chong, Cobb, Fong, J. Garcia, Kihano, Medeiros, Saiki, Sakima, Soares, Uechi, Wasai, Yamada and Young.

A resolution (H. R. No. 421) relating to the Real Estate Commission was offered by Representative Carroll.

A resolution (H. R. No. 422) relating to a conference on the usage of marine recreational resources in the State of Hawaii was jointly offered by Representatives A. Chong, Cobb, de la Cruz, R. Garcia, Hapai, King, Kishinami, Kunimura, Lee, Medina, O'Connor, Roehrig, Soares, Suwa, Ushijima, Wakatsuki, Wedemeyer, Yap, Yim and Yuen.

A resolution (H. R. No. 423) requesting outrigger canoe concessionaires to ensure public safety and well-being by adequately training captains of all outrigger canoes was jointly offered by Representatives A. Chong, de la Cruz, R. Garcia, Hapai, Kimura, Kunimura, Lee, Medina, Suwa, Ushijima, Wakatsuki, Yap and Yuen.

A resolution (H. R. No. 424) requesting the University of Hawaii and the Department of Education to support career development in the public school system was jointly offered by Representatives Sakima, Carroll, Hapai, Iha, Kishinami, Kondo, Kunimura, Medeiros, Morioka, Nakama, Roehrig, Saiki, Wasai, Wedemeyer, Yim and Young.

A resolution (H. R. No. 425) requesting the University of Hawaii to report on the progress of the Waikiki Aquarium prior to the 1975 legislative session was jointly offered by Representatives Sakima, Carroll, Hapai, Iha, Kishinami, Kondo, Kunimura, Medeiros, Morioka, Nakama, Roehrig, Saiki, Wasai, Wedemeyer, Yim and Young.

A resolution (H. R. No. 426) requesting the Legislative Reference Bureau to conduct a feasibility study on the establishment of a separate Department of Insurance was jointly offered by Representatives Yap, Fong, Kihano, Kondo, Medeiros, Sakima, Wasai and Yuen.

A resolution (H. R. No. 427) requesting a study on the relocation of the zoo was offered by Representative Yap. (By Request)

A resolution (H. R. No. 428) requesting the Speaker of the House of Representatives to direct the House Higher Education Committee to continue its work during the interim was offered by Representative Sakima.

A resolution (H. R. No. 429) requesting that high blood pressure be recognized as a major public health problem was offered by Representative Wong.

A resolution (H. R. No. 430) requesting the results of the Department of Personnel Services classification survey of clerical positions was offered by Representative Lee.

A resolution (H. R. No. 431) requesting the Federal Aviation Administration, the Department of Transportation and the Department of Health to conduct a joint study of aircraft noise was jointly offered by Representatives King, Aduja, A. Chong, de la Cruz, Fong, Kihano, Medina, Roehrig, Wedemeyer, Yap, Yim and Yuen.

A resolution (H. R. No. 432) relating to environmental education was jointly offered by Representatives King, A. Chong, de la Cruz, Fong, Lunasco, Nakama, Roehrig, Wedemeyer and Yap.

A resolution (H. R. No. 433) requesting enforcement of littering laws was jointly offered by Representatives King, A. Chong, Fong, R. Garcia, Kihano, Medina, Roehrig, Wedemeyer, Wong and Yim.

A resolution (H. R. No. 434) requesting an examination of the operations of the Hawaii State Hospital and the adult mental health program procedures was offered by Representative Kato.

A resolution (H. R. No. 435) requesting the Speaker of the House of Representatives to appoint a Joint Interim Education and Higher Education Committee to review Department of Education and University of Hawaii system articulation and coordination was jointly offered by Representatives Wasai and Sakima.

A resolution (H. R. No. 436) requesting the Board of Regents of the University of Hawaii to review and reconsider its proposed graduate student tuition increase for 1975-76 was jointly offered by Representatives A. Chong, Wasai, Wong and Yuen.

A resolution (H. R. No. 437) directing the Department of Land and Natural Resources to provide an underwater trail system at Hanauma Bay, Oahu was jointly offered by Representatives Kawakami, Lee, Leopold, Wasai and Wong.

A resolution (H. R. No. 438) supporting the residents of Waimanalo in their efforts toward obtaining additional lands for their housing projects was jointly offered by Representatives

Yuen, Ajifu, Akizaki, de la Cruz, Iha, Kondo, Lee, Medina, Morioka, Nakama, Suwa, Takamine, Ushijima, Wedemeyer, Wong, Yap, Yim and Young.

A resolution (H. R. No. 439) requesting the Legislative Auditor to study the organization of the executive branch and make appropriate recommendations for reorganization was jointly offered by Representatives Uechi, Lunasco, Roehrig, Wasai and Yap.

A resolution (H. R. No. 440) requesting the Attorney General to expand the role and function of its Identification Bureau to better serve the citizens of Hawaii was offered by Representative Poepoe.

A resolution (H. R. No. 441) requesting the City and County of Honolulu Office of Human Resources to qualify and control the districts, vendors and goods of the farmers markets was jointly offered by Representatives Ajifu, J. Garcia, R. Garcia, Iha, Lee, Soares, Wasai and Yamada.

A resolution (H. R. No. 442) requesting the Legislative Reference Bureau to conduct a year-round school concept feasibility study was offered by Representative Wasai.

A resolution (H. R. No. 443) requesting an interim committee to monitor the creation of agricultural parks on Oahu and provide legislative assistance and encouragement was jointly offered by Representatives Kimura, de la Cruz, R. Garcia, Kawakami, Kishinami, Kondo, Morioka, Nakama, O'Connor, Suwa, Wedemeyer and Beppu.

A resolution (H. R. No. 444) requesting a report on the status of cable television systems and services on Oahu was jointly offered by Representatives Kimura, R. Garcia, Kawakami, Kishinami, Nakama, Roehrig and Wedemeyer.

A resolution (H. R. No. 445) Kalaniana'ole Highway bikeway was offered by Representative O'Connor.

A concurrent resolution (H. C. R. No. 62) requesting the Department of Land and Natural Resources to expedite the development of the master plan for the Makiki Tantalus State Park complex was jointly offered by Representatives Ushijima, A. Chong, Fong and King.

A concurrent resolution (H. C. R. No. 63) relating to the need for an overpass or underpass across Dole Street was jointly offered by Representatives Morioka, Akizaki, A. Chong, de la Cruz, Iha, Kato, Kimura, Kishinami, Kondo, Kunimura, Lunasco, Oda, Roehrig, Sakima, Suwa, Ushijima, Wedemeyer, Yap, Yuen and Beppu.

A concurrent resolution (H. C. R. No. 64) relating to the need for recreational facilities at

the University of Hawaii at Manoa was jointly offered by Representatives Morioka, Akizaki, A. Chong, de la Cruz, Iha, Kato, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Oda, Roehrig, Sakima, Suwa, Ushijima, Wedemeyer, Yap, Yuen and Beppu.

A concurrent resolution (H. C. R. No. 65) requesting the Hawaii Institute of Marine Biology to conduct a study of the Kahala (Amberjack) fish to determine the cause of the ill-effects suffered by people who eat the fish was jointly offered by Representatives Kunimura, Kawakami and Yamada.

A concurrent resolution (H. C. R. No. 66) requesting the study of unfair practices in the production and sale of island beef was jointly offered by Representatives Kimura, Akizaki, Iha, Kawakami, Kihano, Kishinami, Kondo, Kunimura, Medina, Morioka, Nakama, Sakima, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wedemeyer, Yap, Yuen and Beppu.

A concurrent resolution (H. C. R. No. 67) relating to the internal savings of the Department of Education was jointly offered by Representatives Takamine, Ajifu, Aki, Akizaki, Amaral, W. Chong, Fong, R. Garcia, Hapai, Iha, Kato, Kihano, Kishinami, Kondo, Lee, Leopold, Lunasco, Medeiros, Medina, Morioka, Nakama, Oda, Roehrig, Saiki, Sakima, Suwa, Wasai, Yap, Young, Yuen and Beppu.

A concurrent resolution (H. C. R. No. 68) requesting the Department of Education to evaluate its use and actual implementation of the master plan for public education in Hawaii was jointly offered by Representatives Ajifu, Aki, Amaral, W. Chong, J. Garcia, Hapai, Kimura, Medina, Oda, Soares, Uechi, Ushijima and Yamada.

A concurrent resolution (H. C. R. No. 69) requesting enforcement of littering laws was jointly offered by Representatives King, A. Chong, Fong, R. Garcia, Kihano, Medina, Roehrig, Wedemeyer, Wong and Yim.

A concurrent resolution (H. C. R. No. 70) requesting the Federal Aviation Administration, the Department of Transportation and the Department of Health to conduct a joint study of aircraft noise was jointly offered by Representatives King, Aduja, A. Chong, de la Cruz, Fong, Kihano, Medina, Roehrig, Wedemeyer, Yap, Yim and Yuen.

A concurrent resolution (H. C. R. No. 71) relating to environmental education was jointly offered by Representatives King, A. Chong, de la Cruz, Fong, Lunasco, Roehrig, Wedemeyer and Yap.

A concurrent resolution (H. C. R. No. 72) requesting a joint interim committee to monitor the creation of agricultural parks on Oahu and provide legislative assistance and encouragement was jointly offered by Representatives Ki-

mura, de la Cruz, R. Garcia, Kawakami, Kishinami, Kondo, Morioka, Nakama, O'Connor, Suwa, Wedemeyer and Beppu.

At this time, Representative Fong introduced to the members of the House Mr. Jeris White.

The Chair then appointed Representatives Wedemeyer and Uechi to escort Mr. White to the rostrum whereupon he addressed the members of the House as follows:

"I'm really not prepared to give a speech to anybody, but I guess I really don't have to because I speak for myself. I always figured that words are cheap and that actions speak louder than words and that is why I go out and do the things that I do.

I think, in the future, Hawaii will have lots of top athletes going to the University and a lot more talent from the mainland are going to come over here, especially with Mr. Price as head coach. We are definitely seeing a change in program and that crave for national acclaim might just be around the corner. I predict that the football team will not only catch up with the basketball team, but surpass it very quickly.

The only thing left is that you people sitting out here today, you legislators, you have to keep things intact over there so that things can be accomplished. I guess this is in terms of funds and so forth and community help and what not because in a game like ours, it is such an emotional type thing that a lot of guys get dissatisfied and they want to go back home. With the help of you people, they will stay here.

I guess I will be your ever present problem in the future, but don't worry, there'll be more Jeris Whites, more people will break my records, and I guess you call that progress.

Thank you."

The Chair then appoint Representatives Kondo and de la Cruz to escort Mr. Emory Bronte to the rostrum and he addressed the members of the House as follows:

"Thank you very much, Mr. Speaker. This is more than what I had counted on. As many of you whom I have known for many years know, I have sat in the galleries here over the years and watched the proceedings on the floor, but this is far beyond my fondest expectation because I have never expected to be standing up here talking to you. I want to thank you on behalf of my wife and myself for this very wonderful honor that you have paid us, and we wish you all the success in the world in your deliberations and I am glad that the GASPLAN is beginning to ease up a little bit and if things keep going

the way they are, I think the State's going to wind up in very good shape.

Tad wanted me to tell you something about the flight to Hawaii. If I were to get into that, you wouldn't make it for lunch probably. I merely want to say that although the resolution states that we made the first Transpacific flight, we made the first civilian Transpacific flight. However, we made the first transpacific flight from Oakland to Molokai.

Thank you very much again for the honor that you have paid us and Mahalo."

At 11:33 o'clock a.m., the Chair declared a recess, subject of the call of the Chair.

Upon reconvening at 12:10 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives A. Chong and Kato.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

S. B. No. 1559-74

On motion by Representative Kawakami, seconded by Representative A. Chong, S. B. No. 1559-74 passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Carroll, Leopold and Saiki voting no and Representative Iha being excused.

H. B. No. 63

On motion by Representative Yap, seconded by Representative Yuen, H. B. No. 63 passed Third Reading by a vote of 50 ayes, with Representative Iha being excused.

H. B. No. 2276-74

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, H. B. No. 2276-74 was recommitted to the Committee on Water, Land Use and Development.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 234-74 on H. B. No. 2065-74, deferred from March 19, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and

H. B. No. 2065-74, having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no with Representative Hapai voting no and Representative Iha being excused.

The Chair directed the Clerk to note that **S. B. No. 1559-74** and **H. B. Nos. 63** and **2065-74** had passed Third Reading not earlier than 12:11 o'clock p.m.

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

At 12:14 o'clock p.m., the House of Representatives reconvened.

RECONSIDERATION OF ACTION TAKEN

Representative Yap moved that the House reconsider its action on **Stand. Com. Rep. No. 264-74** on **H. B. No. 2480-74**, **H. D. 1**, seconded by Representative Suwa and carried.

Representative Yap explained that the reason for the recommittal was to correct some typographical errors.

Representative Yap then moved to recommit **Stand. Com. Rep. No. 264-74** and **H. B. No. 2480-74**, **H. D. 1** to the Joint Committees on Consumer Protection, Judiciary and Corrections and Finance, seconded by Representative Suwa and carried.

Representative Wong, at this time, rose and stated:

"Mr. Speaker, as a point of information, is this to recommit the bill in terms of clocking and everything else?"

The Chair replied:

"No Sir, just to have some typographical errors corrected."

Representative Wong further inquired:

"So how are we going to time this bill, Mr. Speaker."

The Chair replied that the bill will have to come back on the floor and then wait for 24 hours.

Representative J. Garcia, on a point of order, stated:

"Mr. Speaker, are you saying that when it comes back, the 24 hours begin again or the 24 hours begin now."

The Chair replied that the 24 hours will begin at the time the bill hits the floor.

Representative J. Garcia then concluded:

"Thank you very much. That is the ruling

I had expected, Mr. Speaker."

Representative Ajifu then rose and stated:

"Mr. Speaker, I wish to rise on a point of personal privilege."

The Chair inquired:

"What is your point of personal privilege?"

Representative Ajifu replied:

"Well, Mr. Speaker, in yesterday's Star-Bulletin there was an article which made reference to the vote of the TH-3 resolution and that article implied that I copped out on my vote. That is why I would like to state my position here."

The Chair then asked Representative Ajifu if he had talked to the reporter or the Capitol Corps correspondents to which Representative Ajifu responded:

"Mr. Speaker, I am sorry, I had called the reporter's office but he was not in this morning. I had left word for him to call me and I have not had a chance to talk to him yet. I will talk to him personally, but I would like to, if I may, just state my position on the floor of the House this morning."

The Chair granted Representative Ajifu permission to speak and Representative Ajifu continued:

"Mr. Speaker, because I was absent from Monday's session while attending a field trip conducted by the House Committee on Agriculture, I could not record my vote as being in favor of **H. C. R. 23**. As you know, Mr. Speaker, I have always been a proponent of TH-3 freeway and I will continue to be in favor of this project.

Since I have a great interest in the new agricultural parks program, I felt it urgent that I ask for and received your permission to accompany the Agriculture Committee members on their field trip to see the park project in Kunia. I had hoped to be present when the vote on **H. C. R. 23** was taken but, unfortunately, the field trip was rescheduled for the same Monday because of last week's rain. I, therefore, rise on this point of personal privilege to say that had I been able to attend the session on Monday morning, I would, of course, have voted in favor of **H. C. R. 23**. I will continue to support TH-3 in any future legislative hearing or any other session.

Thank you, Mr. Speaker."

The Chair then stated:

"So that we don't have any future misunderstanding on the part of the members of the House, the Chair will suggest that any field trips be taken over the weekend—Saturday or Sunday—or in the afternoons when we are not in session."

Representative Yim then rose on a point of information and stated:

"Mr. Speaker, relative to your last statement, may we also be given advance notice whenever a bill is referred to another committee? In this case, referred to your Finance Committee, that we be given notice that it will be waived so that we will know when action will be taken. Based on that particular resolution on TH-3, it was referred to your Finance Committee. Had that been done, we will be acting on it on another day. So since that referral on that day was waived, we acted on that particular day."

We would appreciate it if we are given advance notice of that kind of waiver so that we know when action, on what day, things will go on."

The Chair responded:

"Your point is well taken except that from here on, we are going to have many bills on the floor for Second and Third Readings and many times we will have waivers of referrals. The Chair will suggest that all of you be here—present in the Chamber. If you are tied up in committee hearings, the Chair will suggest that the chairman send down the names of the members who are in committee hearings so that we can contact the members when an important vote is on the floor."

Representative R. Garcia, upon being recognized by the Chair, stated:

"I rise on a point of personal privilege. Your position is very, very well taken, Mr. Speaker. But, in the case of Representative Ajifu, request was made of the Speaker and approval received from the Speaker to make this particular trip because a bona fide committee of this House was going on this field trip."

The Chair responded:

"Representative Garcia, the point the Chair is making is for all future field trips. The Chair suggests that you take it when the session is not on."

For your information, Representative Ajifu talked to the Chair regarding the article. The only question asked of the Chair by the reporter was: 'Is Representative Ajifu a member of the Committee?' That's all. There is no argument here."

Representative Kunimura then rose and upon being recognized by the Chair, stated:

"I rise on a point of personal privilege."

In this House, whether we come from the minority party or the majority party, whether we agree or disagree on an issue, I think we should hold very high and paramount that fair play be exercised at all times.

Mr. Speaker, I rise because I am aggrieved this morning that if a person is given an excuse, then in the voting by roll call, the Chair should have explained, excused by the Chair to attend a certain function. I think, Mr. Ajifu had a very valid reason for rising this morning and in the future, Mr. Speaker, if you have granted anyone an excuse to be away on official business of this House, then I would appreciate that the Chair would so inform the Clerk of the House that that excuse be explained in the Journal so nobody would be left holding the bag and I would appreciate it if we can practice that in the future.

I would like to apologize, Mr. Ajifu, on behalf of the majority."

The Chair responded:

"The Chair's position is this—we cannot control the press nor can we censure the press. I think it is the responsibility of the Capitol Corps Correspondents to have a proper story written and contact the person involved."

Representative Kunimura further stated:

"Mr. Speaker, the reason I rise this morning is because you were asked a question if Mr. Ajifu was a member of the Committee. I think it was remiss on your part not to explain that although he is not a member of the Committee, he was given an excuse by the Speaker of the House."

The Chair reiterated:

"The Capitol Corps Correspondents knew that we had a field trip—that's it. The question asked of the Chair was if Representative Ajifu was a member of the Committee. The Chair's answer was 'no' and that's it."

Representative Soares then rose and upon being recognized by the Chair, stated:

"In response to that comment, I think the mere fact that the report asked such a question based on the waiver of the resolution by the Chairman of Finance, based upon the fact that they were out on a field trip, it behooves me that the Chair did not realize that the question was being asked for the purpose it was printed. I think that all 51

of us deserve the kind of fair play Representative Kunimura is alluding to.

I don't understand why the question was asked of the Chair on one Representative being away when the whole Committee was gone and I think the fairness here is that Representative Ajifu would have voted for TH-3 as he has indicated were he here along with the others, and I am disturbed that a question was asked on one Representative, one Republican, on a trip and the Chair should report to the reporter why do you ask these questions. I am sure the Order of the Day is available to them reflecting the referral to Finance which was waived. Representative Yim also brought the same point up—he was not dodging any questions here. I think the Chair should make it very plain to the Capitol Corps Correspondents to print the facts as they are and not isolate any one individual of this House on how he votes on an issue. I think it is very unfair.”

The Chair responded:

“I think your question should be addressed to the Capitol Corps Correspondents, Representative Soares, and not the Chair. The Chair does not write the story and the Chair does not control the press.”

Representative Soares then responded:

“In reply to your comment, you could have controlled the press by telling him why are you asking this question, that you had

given him permission to go on the trip—period.”

The Chair then stated:

“The Chair does not presume what the reporters are going to write about. If the Chair presumes many of the answers, the Chair will be very happy to write the story for them.”

Representative Roehrig then rose on a point of personal privilege and stated:

“I think we had enough discussion about it. Everybody had their grandstand this morning and let's get on with the business.”

Representative Kunimura rose and upon being recognized by the Chair, stated:

“I rise on a point of order. If fair play is grandstanding, then what the hell are we doing here.”

At 12:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

ADJOURNMENT

At 12:30 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 21, 1974.

FORTY-SIXTH DAY

Thursday, March 21, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend William W. Sever, Pastor of Kailua Church of the Nazarene, after which the Roll was called showing all members present, with the exception of Representatives Kato, Lee and Nakama, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Fifth Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Forty-Fifth Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 64 and 65) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 64) transmitting copies of "Hawaii and the Sea — 1974," which was prepared by a specially appointed Task Force of the Advisory Committee on Science and Technology was placed on file.

A message from the Governor (Gov. Msg. No. 65) rescinding a previous message which recommended passage of H. B. No. 3091-74 was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 45 to 48) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 45) returning House Concurrent Resolution No. 23, H. D. 2 which was adopted by the Senate on March 20, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 46) returning House Concurrent Resolution No. 61 which was adopted by the Senate on March 20, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 47) returning House Bill No. 651, H. D. 1 which passed Third Reading in the Senate on March 20, 1974, in an amended form, was placed on file.

By unanimous consent, H. B. No. 651, H. D. 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Ar-

ticle III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 651, H. D. 1, S. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Concurrent Resolution No. 21, S. D. 1 requesting funds for Title V of the Older Americans Act which was adopted by the Senate on March 20, 1974, was placed on file.

By unanimous consent, action on S. C. R. No. 21, S. D. 1 was deferred until later in the calendar.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H. R. Nos. 401 to 445) and concurrent resolutions (H. C. R. Nos. 62 to 72 and S. C. R. No. 21) were disposed of as follows:

H. R. No.	Referred to:
401	Committee on Water, Land Use and Development
402	Committee on Water, Land Use and Development, then to the Committee on Finance
403	Committee on Water, Land Use and Development
404	Committee on Housing, then to the Committee on Transportation
405	Committee on Consumer Protection, then to the Committee on Finance
406	Committee on Higher Education, then to the Committee on Finance
407	Committee on Education
408	Committee on Higher Education, then to the Committee on Finance
409	Committee on Tourism
410	Jointly to the Committees on Legislative Management and Finance
411	Committee on Labor and Public Employment, then to the Committee on Judiciary and Corrections, then to the Committee on Finance
412	Committee on Education, then to the Committee on Finance
413	Committee on Finance

414	Committee on Judiciary and Corrections	435	Committee on Higher Education, then to the Committee on Education, then to the Committee on Finance
415	Committee on Transportation, then to the Committee on Finance	436	Committee on Higher Education, then to the Committee on Finance
416	Committee on Education, then to the Committee on Finance	437	Committee on Water, Land Use and Development, then to the Committee on Finance
417	Committee on Education, then to the Committee on Finance	438	Committee on Housing, then to the Committee on Water, Land Use and Development, then to the Committee on Finance
418	Committee on Agriculture, then to the Committee on Finance	439	Committee on Labor and Public Employment, then to the Committee on Finance
419	Committee on Education, then to the Committee on Finance	440	Committee on Judiciary and Corrections, then to the Committee on Finance
420	Committee on Education, then to the Committee on Finance	441	Committee on Agriculture, then to the Committee on Federal-State-County
421	Committee on Consumer Protection, then to the Committee on Finance	442	Committee on Education, then to the Committee on Finance
422	Committee on Water, Land Use and Development, then to the Committee on Finance	443	Committee on Agriculture, then to the Committee on Water, Land Use and Development, then to the Committee on Finance
423	Committee on Water, Land Use and Development	444	Committee on Consumer Protection
424	Committee on Higher Education, then to the Committee on Education	445	Committee on Transportation, then to the Committee on Finance
425	Committee on Higher Education, then to the Committee on Finance	H. C. R. No.	
426	Committee on Consumer Protection, then to the Committee on Finance	62	Committee on Water, Land Use and Development
427	Committee on Water, Land Use and Development, then to the Committee on Finance	63	Committee on Higher Education, then to the Committee on Finance
428	Committee on Higher Education, then to the Committee on Finance	64	Committee on Higher Education, then to the Committee on Finance
429	Committee on Public Health and Welfare, then to the Committee on Finance	65	Committee on Water, Land Use and Development, then to the Committee on Finance
430	Committee on Labor and Public Employment	66	Committee on Consumer Protection, then to the Committee on Finance
431	Committee on Environmental Protection, then to the Committee on Finance	67	Committee on Education, then to the Committee on Finance
432	Committee on Higher Education, then to the Committee on Education, then to the Committee on Finance	68	Committee on Education, then to the Committee on Finance
433	Committee on Federal-State-County	69	Committee on Federal-State-County
434	Committee on Public Health and Welfare	70	Committee on Environmental Protection, then to the Committee on Fi-

nance

71 Committee on Higher Education, then to the Committee on Education, then to the Committee on Finance

72 Committee on Agriculture, then to the Committee on Water, Land Use and Development, then to the Committee on Finance

S. C. R. No. 21 was referred to the Committee on Public Health and Welfare.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 266-74) informing the House that House Resolution Nos. 394 to 445, House Concurrent Resolution Nos. 61 to 72, and Standing Committee Report Nos. 267-74 to 295-74 had been printed and distributed.

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

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 267-74) with supply data from the Manager of the Printshop.

By unanimous consent, the report of the Committee was received and was placed on file.

Representative Akizaki, for the majority of the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 268-74) recommending that H. B. No. 439, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Akizaki, seconded by Representative Kishinami and carried, the report of the majority of the Committee was adopted and H. B. No. 439, H. D. 1 was referred to the Committee on Finance.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 269-74) recommending that H. B. No. 853 be referred to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H. B. No. 853, as amended, was referred to the Committee on Finance.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 270-74) recommending that H. B. No. 2544-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the

report of the Committee was adopted and H. B. No. 2544-74, 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. 271-74) recommending that H. B. No. 1204, H. D. 1 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H. B. No. 1204, H. D. 1, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 272-74) recommending that H. B. No. 2059-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H. B. No. 2059-74 passed Second Reading and was referred to the Committee on Finance.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 273-74) recommending that H. B. No. 2080-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Wakatsuki, seconded by Representative Kihano and carried, the report of the Committee was adopted and H. B. No. 2080-74 passed Second Reading and was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 274-74) recommending that H. B. No. 2846-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 2846-74 passed Second Reading and was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 275-74) recommending that H. B. No. 1387-74 pass Second Reading and be re-committed to the Committee on Higher Education with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1387-74, as amended, passed Second Reading and was re-committed to the Committee on Higher Education.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 276-74) recommending that H. B. No. 3037-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 3037-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 277-74) recommending that H. B. No. 2499-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2499-74 passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 278-74) recommending that H. B. No. 2498-74 pass Second Reading and be referred to the Committee on Education with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2498-74, as amended, passed Second Reading and was referred to the Committee on Education.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 279-74) recommending that H. B. No. 1637 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 1637, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 280-74) recommending that H. R. No. 50 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. R. No. 50 was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 281-74) recommending that H. B. No. 2603-74 be referred to the Com-

mittee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2603-74, as amended, was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 282-74) recommending that H. B. No. 2437-74 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2437-74 was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 283-74) recommending that H. B. No. 2679-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2679-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 284-74) recommending that H. B. No. 2389-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2389-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 285-74) recommending that H. R. No. 20 be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. R. No. 20, as amended, was referred to the Committee on Finance.

Representative Takamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 286-74) recommending that H. B. No. 2801-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Wakatsuki and

carried, the report of the Committee was adopted and **H. B. No. 2801-74** passed Second Reading and was referred to the Committee on Finance.

Representative Takamine, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 287-74**) recommending that **H. B. No. 2187-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Wakatsuki and carried, the report of the Committee was adopted and **H. B. No. 2187-74** passed Second Reading and was referred to the Committee on Finance.

Representative Takamine, for the majority of the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 288-74**) recommending that **H. B. No. 1501** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Takamine, seconded by Representative Wakatsuki and carried, the report of the majority of the Committee was adopted and **H. B. No. 1501**, as amended, passed Second Reading and 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. 289-74**) recommending that **H. B. No. 2425-74** pass Second Reading and be referred to the Committee on Agriculture with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2425-74**, as amended, passed Second Reading and was referred to the Committee on Agriculture.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (**Stand. Com. Rep. No. 290-74**) recommending that **H. B. No. 3005-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 3005-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 291-74**) recommending that **H. B. No. 1520** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and **H. B. No. 1520**

passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

Representative Iha, for the Committee on Transportation, presented a report (**Stand. Com. Rep. No. 292-74**) recommending that **H. B. No. 2408-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Iha, seconded by Representative Morioka and carried, the report of the Committee was adopted and **H. B. No. 2408-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

Representative Young, for the Committee on Housing, presented a report (**Stand. Com. Rep. No. 293-74**) recommending that **H. B. No. 2056-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2056-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 294-74**) recommending that **H. B. No. 2271-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Cobb and carried, the report of the Committee was adopted and **H. B. No. 2271-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 295-74**) recommending that **H. B. No. 1195, H. D. 1** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Cobb and carried, the report of the Committee was adopted and **H. B. No. 1195, H. D. 1**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

Representative Suwa, for the majority of the Joint Committees on Consumer Protection, Judiciary and Corrections and Finance, presented a report (**Stand. Com. Rep. No. 296-74**) recommending that **H. B. No. 2480-74, H. D. 1** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Wakatsuki and carried, the

report of the majority of the Committees was adopted and **H. B. No. 2480-74, H. D. 1**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 22, 1974.

The Chair here directed the Clerk to note that printed copies of **H. B. Nos. 1520, 2408-74, 2056-74, 2271-74 and 1195, H. D. 2** were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (**H. R. Nos. 446 to 452**) were read by the Clerk and were disposed of as follows:

A resolution (**H. R. No. 446**) extending Aloha and welcome to the "Musikanter" from Junction City High School, Oregon was jointly offered by Representatives Beppu, Ajifu, Aki, Akizaki, Amaral, W. Chong, J. Garcia, R. Garcia, Hapai, Iha, Kawakami, Kihano, Kimura, King, Kondo, Kunimura, Lee, Lunasco, Medina, Morioka, Nakama, Poepoe, Suwa, Takamine, Ushijima, Wakatsuki, Wedemeyer, Wong and Yuen.

On motion by Representative Medina, seconded by Representative Kihano and carried, **H. R. No. 446** was adopted.

Representative Medina then introduced the "Musikanter" group to the members of the House.

At 11:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair to allow the "Musikanter" singing group to perform.

Upon reconvening at 12:25 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Kato and Nakama.

A resolution (**H. R. No. 447**) congratulating Carmela Barut on being named Lakambini 1974 was jointly offered by Representatives Aduja, Aki, Akizaki, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, R. Garcia, Hapai, Iha, Kawakami, Kihano, Kimura, King, Kishinami, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, Oda, Poepoe, Saiki, Sakima, Suwa, Takamine, Uechi, Wasai, Wedemeyer, Yim, Young and Yuen.

On motion by Representative Aduja, seconded by Representative Kihano and carried, **H. R. No. 447** was adopted.

A resolution (**H. R. No. 448**) honoring and commending Ligaya Victorio-Fruto for her community service and literary contributions to the people of the State of Hawaii was jointly offered by Representatives Aduja, Aki, Akizaki, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, R. Garcia, Hapai, Iha, Kawakami, Kihano, Kimura, King, Kishinami, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, Oda, Poepoe, Saiki, Sakima, Suwa, Takamine, Uechi, Wedemeyer, Young and Yuen.

On motion by Representative Aduja, seconded by Representative Kunimura and carried, **H. R. No. 448** was adopted.

A resolution (**H. R. No. 449**) congratulating the sophomore class of the Kamehameha Schools for winning the 1974 coeducational-title of the annual song contest was jointly offered by Representatives Poepoe, A. Chong, Kimura, Wasai, Wong and Yuen.

On motion by Representative Poepoe, seconded by Representative Kimura and carried, **H. R. No. 449** was adopted.

A resolution (**H. R. No. 450**) congratulating Robert Motooka and Leight Tonai upon winning individual State wrestling championship crowns was jointly offered by Representatives Kondo, Akizaki, W. Chong, de la Cruz, R. Garcia, Hapai, Kimura, Kishinami, Lunasco, Medina, Takamine, Yamada, Yap, Yim and Yuen.

On motion by Representative Kondo, seconded by Representative de la Cruz and carried, **H. R. No. 450** was adopted.

A resolution (**H. R. No. 451**) congratulating President Harlan Cleveland, Chancellor Wytze Gorter, and David Hood on the provisional accreditation of the law school of the University of Hawaii was jointly offered by Representatives A. Chong, Akizaki, Cobb, de la Cruz, R. Garcia, Hapai, Kimura, King, Kishinami, Kunimura, Lee, Medina, Morioka, O'Connor, Roehrig, Soares, Suwa, Ushijima, Wakatsuki, Wedemeyer, Yap and Yuen.

On motion by Representative A. Chong, seconded by Representative R. Garcia and carried, **H. R. No. 451** was adopted.

A resolution (**H. R. No. 452**) commending the people of Waimanalo on forming the Waimanalo Residents Housing Development Corporation was jointly offered by Representatives Yuen, Aduja, Ajifu, Aki, Amaral, A. Chong, W. Chong, J. Garcia, Hapai, Iha, Kimura, King, Lee, Leopold, Lunasco, Medeiros, Medina, Nakama, Oda, Roehrig, Uechi, Wasai, Wong, Yap, Yim and Young.

On motion by Representative Yuen, seconded by Representative Medeiros and carried, **H. R. No. 452** was adopted.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 2331-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 2331-74** passed Third Reading by a vote of 48 ayes to 1 no, with Representative Cobb voting no and Representatives Iha and Soares being excused.

H. B. No. 1931

On motion by Representative Young, seconded by Representative Wakatsuki, **H. B. No. 1931** passed Third Reading by a vote of 50 ayes, with Representative Iha being excused.

H. B. No. 2470-74

By unanimous consent, action on **H. B. No. 2470-74** was deferred until tomorrow, March 22, 1974.

S. B. No. 1498-74

By unanimous consent, action on **S. B. No. 1498-74** was deferred until tomorrow, March 22, 1974.

H. B. No. 2941-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2941-74** passed Third Reading by a vote of 50 ayes, with Representative Iha being excused.

The Chair here directed the Clerk to note that **H. B. Nos. 2331-74 and 2941-74** had passed Third Reading not earlier than 12:29 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 262-74 on **H. B. No. 2297-74**, deferred from March 20, 1974.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2297-74**, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Iha being excused.

The Chair here directed the Clerk to note that **H. B. No. 2297-74** had passed Third Reading at 12:30 o'clock p.m.

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

At 12:34 o'clock p.m., the House of Representatives reconvened.

ADJOURNMENT

At 12:35 o'clock p.m. on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 22, 1974.

FORTY-SEVENTH DAY

Friday, March 22, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Ms. Lynne Ellen Hollinger, a member of the Baha'i Faith, after which the Roll was called showing all members present with the exception of Representatives Aki, Kato, Kawakami, King and Uechi who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Sixth Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Forty-Sixth Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 66 and 67) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 66) informing the House that he had signed House Bill No. 991-73 as Act 6 on March 16, 1974, was placed on file.

A message from the Governor (Gov. Msg. No. 67) informing the House that he had signed Senate Bill No. 1518-74 as Act 7 on March 18, 1974, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 49 to 54) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 49) returning House Bill No. 2216-74 which passed Third Reading in the Senate on March 21, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 50) returning House Bill No. 2217-74 which passed Third Reading in the Senate on March 21, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 51) returning House Bill No. 2622-74 which passed Third Reading in the Senate on March 21, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 52) transmitting Senate Bill No. 180, S. D. 1 entitled: "A Bill for an Act relating to assistance to displaced persons," which passed Third Reading in the Senate on March 21, 1974, was placed on file.

A communication from the Senate (Sen. Com.

No. 53) transmitting Senate Bill No. 1601-74, S. D. 1 entitled: "A Bill for an Act relating to the Hawaii Income Tax Law," which passed Third Reading in the Senate on March 21, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 54) transmitting Senate Bill No. 2043-74 entitled: "A Bill for an Act relating to congressional districts," which passed Third Reading in the Senate on March 21, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. Nos. 180, S. D. 1; 1601-74, S. D. 1; and 2043-74 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATION

A communication from Eileen K. Lota, City Clerk, City and County of Honolulu (Misc. Com. No. 30) acknowledging receipt of House Resolution No. 43 and informing the House that the Resolution was referred to the Committee on Finance, Expenditures and Operations for its consideration, was read by the Clerk and was placed on file.

At this time, the Chair directed the Clerk to note the presence of Representatives Aki, Kato, Kawakami and King.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following bills (S. B. Nos. 180, 1601-74 and 2043-74) were disposed of as follows:

S. B. No.	Referred to:
180	Committee on Water, Land Use and Development
1601-74	Committee on Finance
2043-74	Committee on Judiciary and Corrections

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 297-74) informing the House that House Resolution Nos. 446 to 452, Standing Committee Report Nos. 298-74 to 316-74 and Special Committee Report Nos. 6 and 7 had been printed and distributed.

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

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 298-74) recommending that H. B. No. 2600-74 pass Second Reading and be re-

ferred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and **H. B. No. 2600-74**, as amended, 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. 299-74**) recommending that **H. B. No. 2302-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and **H. B. No. 2302-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 300-74**) recommending that **H. B. No. 45** be referred to the Committee on Finance with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No. 45**, as amended, was referred to the Committee on Finance.

Representative Young, for the Committee on Housing, presented a report (**Stand. Com. Rep. No. 301-74**) recommending that **H. B. No. 2688-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2688-74**, 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. 302-74**) recommending that **H. B. No. 2541-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2541-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 303-74**) recommending that **H. C. R. No. 36** be referred to the Committee on Federal-State-County with certain amendments.

On motion by Representative King, seconded

by Representative Medina and carried, the report of the Committee was adopted and **H. C. R. No. 36**, as amended, was referred to the Committee on Federal-State-County.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 304-74**) recommending that **H. B. No. 2739-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2739-74**, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 305-74**) recommending that **H. B. No. 2860-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2860-74**, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 306-74**) recommending that **H. B. No. 2547-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2547-74** passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 307-74**) recommending that **H. B. No. 2829-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2829-74** passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 308-74**) recommending that **H. B. No. 2857-74** pass Second Reading and be referred jointly to the Committees on Judiciary and Corrections and Finance.

On motion by Representative King, seconded by Representative Medina and carried, the report

of the Committee was adopted and **H. B. No. 2857-74** passed Second Reading and was referred jointly to the Committees on Judiciary and Corrections and Finance.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 309-74**) recommending that **H. B. No. 3047-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 3047-74** passed Second Reading and was referred to the Committee on Finance.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 310-74**) recommending that **H. B. No. 2680-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2680-74** 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. 311-74**) recommending that **H. B. No. 1447** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 1447**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep. No. 312-74**) recommending that **H. B. No. 3092-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 3092-74** passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep. No. 313-74**) recommending that **H. B. No. 2582-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2582-74** passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

Representative Lunasco, for the Committee on

Federal-State-County, presented a report (**Stand. Com. Rep. No. 314-74**) recommending that **H. B. No. 2215-74** pass Third Reading with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. No. 314-74** on **H. B. No. 2215-74**, as amended, was deferred until Monday, March 25, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2215-74, H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 315-74**) recommending that **H. B. No. 2074-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2074-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 316-74**) recommending that **S. B. No. 1517-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **S. B. No. 1517-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

The Chair directed the Clerk to note that printed copies of **H. B. Nos. 3092-74; 2582-74** and **2074-74, H. D. 1**; and **S. B. No. 1517-74, H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

SPECIAL COMMITTEE REPORTS

Representative Wong, for the Special Committee on Energy, presented a report (**Spec. Com. Rep. No. 6**) recommending that **H. B. No. 2997-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wong, seconded by Representative Ushijima and carried, the report of the Special Committee was adopted and **H. B. No. 2997-74** passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

Representative Wong, for the Special Committee on Energy, presented a report (**Spec. Com. Rep. No. 7**) recommending that **H. B. No. 2995-74** pass Second Reading and be placed on the calendar for Third Reading with certain amend-

ments.

On motion by Representative Wong, seconded by Representative Ushijima and carried, the report of the Special Committee was adopted and **H. B. No. 2995-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 1974.

The Chair directed the Clerk to note that printed copies of **H. B. Nos. 2997-74** and **2995-74**, **H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTION

A resolution (**H. R. No. 453**) congratulating and commending Napoleon G. Agasid for his devoted service to the Maui Community College and for his distinguished service to the Filipino community was jointly offered by Representatives Medina, Amaral, A. Chong, Cobb, de la Cruz, R. Garcia, Kihano, Kimura, Kondo, Kunimura, Lee, Lunasco, Morioka, Nakama, O'Connor, Roehrig, Sakima, Takamine, Ushijima, Wakatsuki, Wedemeyer, Yap, Young, Yuen and Beppu and was read by the Clerk.

On motion by Representative Medina, seconded by Representative Kondo and carried, **H. R. No. 453** was adopted.

COMMITTEE REASSIGNMENTS

The following bills (**H. B. Nos. 2067-74** and **2857-74**) and resolution (**H. R. No. 386**) were re-referred as follows:

H. B. No.	Re-referred to:
2067-74	Committee on Judiciary and Corrections, then to the Committee on Finance
2857-74	Committee on Judiciary and Corrections, then to the Committee on Finance
H. R. No.	
386	Committee on Tourism, then to the Committee on Finance

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

Upon reconvening at 12:23 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Uechi.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 1520

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 1520** passed Third Reading by a vote of 33 ayes to 17 noes, with Representatives Aduja, Ajifu, Aki, Amaral, W. Chong, J. Garcia, Hapai, Medeiros, Medina, Nakama, Oda, Poepoe, Saiki, Soares, Uechi, Wong and Yim voting no and Representative Carroll being excused.

H. B. No. 2408-74

On motion by Representative Roehrig, seconded by Representative Iha, **H. B. No. 2408-74** passed Third Reading by a vote of 51 ayes.

H. B. No. 2056-74

On motion by Representative Young, seconded by Representative Kunimura, **H. B. No. 2056-74** passed Third Reading by a vote of 51 ayes.

H. B. No. 2271-74

On motion by Representative Wakatsuki, seconded by Representative Cobb, **H. B. No. 2271-74** passed Third Reading by a vote of 50 ayes to 1 no, with Representative Fong voting no.

H. B. No. 1195

On motion by Representative Young, seconded by Representative Wakatsuki, **H. B. No. 1195** passed Third Reading by a vote of 51 ayes.

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

At 12:28 o'clock p.m., the House of Representatives reconvened.

H. B. No. 2480-74

Representative Yap moved that action on **H. B. No. 2480-74**, **H. D. 2** be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

The Chair directed the Clerk to note that **H. B. Nos. 1520, 2408-74, 2056-74, 2271-74** and **1195** had passed Third Reading not earlier than 12:24 o'clock p.m.

UNFINISHED BUSINESS

H. B. No. 2470-74 on Third Reading, deferred from March 21, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, **H. B. No. 2470-74** was recommitted to the Committee on Water, Land Use and Develop-

ment.

S. B. No. 1498-74 on Third Reading, deferred from March 21, 1974:

Representative Yap moved that action on **S. B. No. 1498-74** be deferred until Monday, March 25, 1974, and the Chair, noting that there were no objections, so ordered.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

By unanimous consent, **H. B. No. 651**, as amended by the Senate, was taken from the Clerk's desk.

Representative Lee moved that the House agree to the amendments proposed by the Senate to **H. B. No. 651**, and **H. B. No. 651**, as amended, having been read throughout, pass Final Reading, seconded by Representative Takamine.

Representative Saiki then rose and spoke against the motion to agree on **H. B. No. 651**, as amended, as follows:

"Mr. Speaker, this bill, as it originated in our House, raised the minimum wage in our State up to \$2.40 in four annual increments. The Senate has amended the bill that is now raising the minimum wage to \$2.40 in only one year. This raise is in such a short period and it dramatically affects all of the employers directly or indirectly, but more specifically, it affects the small businessmen. It also affects all of us as consumers and it will be unavoidable that the prices of products and services will escalate.

The cost of living is already too high. Minimum wage should be set at the national level and Congress right now has two measures in conference committee. But, Mr. Speaker, neither one of the measures being discussed raises the minimum wage to \$2.40.

If we pass this measure by a vote to agree, our local products will have to compete on the mainland market at a distinct disadvantage for the higher cost of production will handicap us in the national marketplace. Our 4,000 member garment industry will be especially vulnerable.

Mr. Speaker, I want our people to earn a fair wage for their services, but I also want an economic climate under which diversified small businesses can grow.

I urge all members of this House to think very carefully on this motion for by its passage, the State of Hawaii will have the highest minimum wage level of any State in the nation. To disagree with this motion will send the bill to conference and further conference consideration is necessary.

I urge all members to vote against this motion."

Representative Takamine then rose and spoke in favor of the motion as follows:

"Mr. Speaker, this measure, as amended by the Senate, has a provision on student differential which this House defeated last session when we passed **H. B. 651, H. D. 1**. But this student differential of 85% in **S. D. 1** has a drop-dead clause after two years.

This amendment also increases our minimum wage to \$2.40 by July 1, 1975; whereas, our House bill would have increased it by July 1, 1976.

While I spoke against the student differential last session, I am recommending that this Body agree to the amendments made by the Senate to **H. B. 651, H. D. 1**. Some members of this Body are strongly against a student differential; others would prefer to wait for a federal law; still others object to any increase in the minimum. But, Mr. Speaker, I do not believe we can make any substantial improvement to this measure by sending it to conference.

The people in approximately 31,000 jobs who are today working at the minimum wage need and deserve this relief immediately. Mr. Speaker, the hourly minimum of \$2.40 is considered by the U.S. Bureau of Labor Statistics as below the poverty level in Hawaii.

Last session, in speaking for this bill, I said: 'When President Nixon set in motion the wage and price controls, the Court set aside his wage guideline of 5.5 per cent for those receiving less than \$2.75 an hour.' Later, the Wage Council decided not to set any guideline for wages below \$3.50 an hour.

Mr. Speaker, the minimum living wage today is \$7,500 for a family of five. **H. B. 651**, with \$2.00 or \$2.40 an hour, would still be in the poverty range—far below the minimum standard. We have stated in **Our Hawaii—A Better Quality of Life For All** program... 'the minimum hourly wages will be adjusted periodically to assure that the fulltime labors of a worker will provide him with sufficient income for sustenance at a decent level. If persons are to have any incentive to work rather than to draw upon unemployment benefits or to rely upon public welfare, the minimum wage must be at a level reasonably above the poverty line.'

Mr. Speaker, even if we pass this measure today, we have a long way to go to fulfill this commitment. While we can be proud of most of our labor laws, including the Unemployment Compensation Act, Workmen's Compensation Act, Safety TDI, the pre-paid

Health Plan we will pass during this session and others, we have failed miserably in the area of minimum wages and our past record of legislating increases in this area is very poor.

It took 12 years to increase the present minimum by 60 cents. On July 1, 1958, the minimum wage was \$1.00; on July 1, 1962, it was \$1.15; on January 1, 1964, it was \$1.25; on July 1, 1969, it was \$1.40 and finally on January 1, 1970, it was at the present \$1.60 level.

While the past has been terrible, I believe we can look forward to making better progress in the years ahead. I am confident that the goal set in our new Hawaii program—to establish minimum wages on certain guidelines, with trigger point, such as we have in the Unemployment Compensation Act and which will be done for Workmen's Compensation Act during this session, will be carried out in the next couple of years.

H. B. 651, H. D. 1, S. D. 1 is a good beginning and a step in the right direction. Therefore, I urge this Body to vote for this measure.

Thank You."

Representative Cobb then rose and stated:

"Mr. Speaker, can you clarify the vote as relative to an aye-no vote—motion to agree."

The Chair replied:

"The motion to agree means to agree to the amendment proposed by the senate on **H. B. 651, H. D. 1, S. D. 1**. Motion against the amendment is to disagree."

Representative Yim then rose and inquired whether or not the Chairman of the Committee would yield to questions to which Representative Lee replied in the affirmative.

Representative Yim then inquired:

"Mr. Speaker, for the record and for the Journal, I would like to have an understanding as to how differential works; that is, what students are we talking about will be falling in this differential—what type of students are we talking about?"

Representative Lee replied:

"For two years from July 1, 1974 to July 1, 1976, students that will be affected by this 85% differential are essentially high school students. In other words, students other than college students, business college students, et cetera."

Representative Yim further inquired:

"So as long as a student is in high school, irregardless of age, he will be affected?"

Representative Lee replied:

"I think that is subject to interpretation."

Representative Yim continued:

"Now another question—should a student drop out and is no longer in school and is doing some part-time work and is age 16, does this differential apply?"

Representative Lee answered:

"I think again that is subject to interpretation here."

Representative Kato then asked for a short recess and the Chair, noting that there were no objections, declared a recess at 12:37 o'clock p.m.

Upon reconvening at 12:40 o'clock p.m., Representative Lee continued:

"Mr. Speaker, let me rephrase my answer by reading the Section here: 'Those students who are full-time students who are attending a public school or private school other than a college, university, business school or technical school for at least six months during the preceding twelve months period had a special minimum wage rate not less than 85% of the minimum wage applicable under Section 387-2.'"

Representative Yim continued:

"Can I interpret that to mean, by the example given, that the 16 year old employed part-time, no longer in school—the differential will not be applicable. Will that be the answer, for the record?"

Representative Lee replied:

"That is right."

Representative Yim then inquired:

"Now, one last question. On Page 3, Line 11, an employer engaged in a seasonal pursuit. What is meant by that?"

Representative Lee then referred Representative Yim to Representative Takamine who responded:

"Mr. Speaker, we have certain industries here in the State; for instance, pineapple, macadamia nuts and others that are considered to be seasonal and seasonal is meant when at a certain time of the year, they have a substantial number of increases in the labor work force and they have to make application to the Labor Department."

Representative Yim further inquired:

"Does it mean, therefore, that the 85 percent differential will apply to any part-time employment that is engaged in seasonal pursuit only?"

Representative Takamine replied:

"That is right. It is a seasonal industry."

Representative Yim continued:

"So student activities employed part-time at McDonald's, at Sears, Roebuck, at any activities, will not be applicable?"

Representative Takamine replied in the negative.

The motion to agree to the Senate amendment to **H. B. No. 651, H. D. 1** was put by the Chair and roll call having been requested, the House agreed to the Senate amendment to **H. B. No. 651, H. D. 1** by a vote of 38 ayes to 13 noes, with Representatives Ajifu, Carroll, W. Chong, Cobb, Fong, J. Garcia, Hapai, Medeiros, Oda, Poepoe, Saiki, Soares and Ushijima voting no.

Representative Lee then moved that **H. B. No. 651, H. D. 1, S. D. 1**, having been read throughout, pass Final Reading, seconded by Representative Takamine.

Representative Lunasco then rose and spoke for the passage of the bill as follows:

"Mr. Speaker, **House Bill 651**, as we in the House acted upon it last year, proposed to raise the minimum wage from the present \$1.60 per hour to \$2.40 by 20-cent increments over a period of four years. We also allowed 'tipped' employees to receive the same incremental increases in their minimum wages.

The Senate has amended this bill to raise the minimum wage in two annual increments rather than four as we had proposed. This would mean that a minimum wage of \$2.40 would be effective as of July 1, 1975 instead of 1976. This amendment to me is a reasonable one, considering the fact that since the Senate is returning this measure one year later, we have already lost one year on the incremental stages which we had proposed.

The Senate version also contains a student differential, an amendment which, as you all know, we debated hard and long over last year. We decided at that time that students should not be paid any less than other workers, especially since, in principle, this runs against the equal rights movement calling for equal treatment under the law, regardless of age or sex. Mr. Speaker, as I stated last year, I have worked in the pineapple fields; I know how hard the work is. If a 17 year old student does the same work in the

fields or in the cannery as an older worker, why shouldn't he get paid the same wages?

However, I do feel that it is more urgent to get some kind of law on the books which will raise the minimum wage level for the hundreds of workers in our community whose earnings are less than the established poverty level. I don't think we should be spending more time arguing about differences in wages which affect a proportionately smaller working population, the seasonal student workers, while the bigger population of full-time adult breadwinners continue to wait for an increase.

I would like to note, Mr. Speaker, that this student differential, as proposed by the Senate, is effective only for two years. At the end of that time, students doing seasonal labor will be getting the same \$2.40 an hour minimum as other workers.

For this reason, I think the immediate enactment of this bill, in spite of its present form, is very important. Last year, Mr. Speaker, I stated on the floor of this House that even with the enactment of the proposed increase to \$2.40 an hour, a minimum wage earner in Hawaii would still be at the federal government's poverty level income of \$4,850 annually. At the present minimum wage, this person today is making only \$3,200 annually. As I asked you last year, Mr. Speaker, how many of us sitting here can live on \$4,850 a year, much less \$3,200 a year?

Since last session, the energy crisis and material shortages have accelerated our high cost of living even more. I would like to point out again, Mr. Speaker, that the last time we had a minimum wage increase was in 1969, five years ago. Inflation alone has wiped out any upgrading of a minimum wage earner's income since that 1969 increase.

And then there are those who argue, Mr. Speaker, that the increase will hasten the death of the pineapple and sugar industries and increase our unemployment rates. I think we all know that high labor costs are not the only factors involved in the shutdown of some of our sugar and pine operations. Multiplying costs of land, marketing, and transportation have also taken their toll of these industries. Furthermore, a study by the Legislative Reference Bureau on the Hawaii Wage and Hour Law shows no overall decline in employment with the enactment of a minimum wage increase.

What concerns us today is the fact that a worker can labor in the fields everyday and still not earn enough to support his family beyond a poverty level.

I still feel that a student differential is discriminatory in nature, but I don't think the

large number of workers in our community can wait any longer. Therefore, Mr. Speaker, I urge all my colleagues to vote 'aye' on **House Bill 651**, as amended.

Thank you."

Representative Carroll then rose and inquired whether or not the former speaker would yield to questions to which Representative Lunasco replied in the affirmative.

Representative Carroll then inquired:

"What, at the present time, is the wage paid to any person working in the pineapple fields, part-time, during the summer seasonal?"

Representative Lunasco replied that it was \$1.60.

Representative Carroll then asked:

"Is that only for students or is that for everyone?"

Representative Lunasco replied that it was for the seasonal workers.

Representative Carroll further inquired whether it applied to adult and student seasonal workers and Representative Lunasco replied in the affirmative.

The motion to pass **H. B. No. 651, H. D. 1, S. D. 1** on Final Reading was put by the Chair and roll call having been requested, **H. B. No. 651, H. D. 1, S. D. 1** passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Ajifu, W. Chong, Fong, J. Garcia, Hapai, Medeiros, Poepoe, Saiki and Soares voting no.

The Chair directed the Clerk to note that **H. B. No. 651** had passed Final Reading at 12:51 o'clock p.m.

At this time, Representative J. Garcia rose and stated:

"Mr. Speaker before we go into the motion to have the deferred measure passed on Third Reading, we understand that there are approximately five amendments floating around. In order to expedite the passage of this measure, the minority requests that all five amendments be given to them at one time so that we can go into caucus and review all of the amendments now rather than to take them piecemeal and be here the remainder of the afternoon."

Representative O'Connor then asked for a recess and the Chair, noting that there were no objections, declared a recess at 12:52 o'clock p.m.

At 1:13 o'clock p.m., the House of Representatives reconvened.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

H. B. No. 2480-74, H. D. 2 on Third Reading:

Representative Yap moved that **H. B. No. 2480-74**, as amended, having been read throughout, pass Third Reading, seconded by Representative Suwa.

Representative Leopold then offered the following amendment to **H. B. No. 2480-74, H. D. 2**, as follows:

"**H. B. 2480-74, H. D. 2**, is amended by amending Sec. 294-33 of SECTION I to read as follows:

"Sec. 294-33 Discriminatory practices prohibited. No insurer shall base any standard or rating plan, in whole or in part, directly or indirectly, upon race, creed, ethnic extraction, age, sex, (length of driving experience,) credit bureau rating, or marital status."

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

Representative Leopold then rose and spoke in favor of the amendment as follows:

"Mr. Speaker, **H. B. 2480-74, H. D. 2** proposes to restore the traditional practice of discriminating on the basis of age, sex, driving experience and marital status. Driving experience is a legitimate factor, but the others are not and should be rejected. This is the purpose of the amendment."

Representative Yim then rose and spoke in favor of the amendment as follows:

"Mr. Speaker, the amendment is to restore the prohibition against certain discriminatory criteria in rate making which this Honorable Body and the Senate had the wisdom to include in Act 203, Session Laws, 1973. The discriminatory criteria which **H. B. 2480-74, H. D. 2** has resurrected are age, sex, length of driving experience and marital status. **H. B. 2480-74, H. D. 2** once again allows the insurance industry to set automobile insurance rates on the basis of factors over which young drivers have little or no control.

The floor amendment for which I speak will ban this discriminatory practice as grounds for rate making. Mr. Speaker, why should we do this? Why should we, through this floor amendment, once again reaffirm our commitment to equality in the setting of automobile insurance rates? The answer is because these criteria are inherently discriminatory and fall heavily against one particular segment of our population—the young people.

If **H. B. 2480-74** is passed without this floor amendment, Mr. Speaker, it will again become a sin in Hawaii to be male, unmarried, under 25 years of age with a handful of years of driving experience. It will become a sin which will again cost money—a lot of money. As the Haldi report showed, a 35-year old married man with one car could pay \$354 for a policy with maximum coverage. Yet, for the same coverage, a family with two cars, two teenage drivers 18 and 19 years old with driver training had to pay \$1,377, almost four times what the 35 year old married man with one car had to pay. Such inequality was taken care of by Act 203 but **H. B. 2480-74, H. D. 2** attempts to resurrect this inequality.

Mr. Speaker, the Joint Standing Committee Report on **H. B. 2480-74, H. D. 2**, in justifying this resurrection, says that these classifications are statistically justifiable. What is statistically justifiable, Mr. Speaker. Is it statistically justifiable when 60% of the young drivers have never been involved in traffic accidents or been cited for violations? Is it statistically justifiable to automatically punish the 60% for the driving records of the other 40% without individual review as the Haldi report points out? From a youthful driver's point of view, the system is totally presumptive against him and offers no retrospective means of proving that he, as an individual is, in fact, a careful driver and what recourse will the young driver with no accidents and no traffic citations have?

Mr. Speaker, he will have three options:

1. To pay a very high premium, or
2. To lie about his age, or
3. To drive without insurance.

I ask my colleagues in this Honorable Body, can any of you look such a young driver straight in the face and defend these options as those socially desirable and statistically justifiable? I think it would be appropriate for us all to hear from that portion of **Senate Standing Committee Report No. 402—1973 session**, regarding **H. B. No. 637** which addresses these discriminatory criteria. I quote: 'We believe we have eliminated the discriminatory practice of supercharging the male drivers under 25. We think that this bill halts the supercharging of the male and the female drivers over 55 or over 59 or over 60 varying with the companies. It is obvious that each member of these classes of drivers are not identical.' And if principle is not the thing, perhaps practical politics is.

May I remind my colleagues that all those young people between 18 and 25 are potential and actual voters—male, female, married, unmarried, with from 0 to 9 years of driving

experience.

It seems inconsistent that this Honorable Body join in the passage of the measure which made the age of 18 the age of majority. We granted the 18 year olds the right and the privileges of adulthood and yet, on the other hand, we propose through **H. B. 2480-74, H. D. 2** to once again restore the criteria which would discriminate against them in automobile insurance rates. I, for one, cannot join with those who giveth with one hand and taketh away with the other.

Mr. Speaker, may I conclude with a note of thanksgiving: I give thanks that the sovereign states had the wisdom to approve the 14th Amendment to the United States Constitution and especially the clause which declares that no state shall deny to any person within its jurisdiction that equal protection of the laws. Thus, we have equal protection laws to thank so that we may be spared the task today of fighting also to remove race, creed and ethnic extraction as criteria in setting of automobile insurance rates. What we do have to fight for is the removal once again of the criteria of age, sex, length of driving experience and marital status.

I urge my colleagues to vote for the amendment and thus reaffirm the commitment to equality for the young people of our State.

Thank you, Mr. Speaker."

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

"I am going to have to move to disqualify all attorneys-at-law and those with insurance firms who derive any direct income in the passage of this particular bill. The Ethics Commission guidelines are rather explicit that any who derive direct income do have a conflict of interest in the performance of official duties and for any individual who does derive such income to vote on this particular measure would be in conflict.

In addition, this motion is based on points of order well established in Cushings that those who are subject to controversy cannot participate in the resolution. For to do otherwise, Mr. Speaker, would have a man sit in judgment on his own case. Minus those who would be disqualified, I would like to ask for a roll call on the question of whether or not those in controversy would be permitted to vote on this particular measure."

Representative R. Garcia seconded the motion.

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

"I would like to remind the Speaker and

members of this House that all of us who purchase automobile insurance fall in the category of discussing this measure and it might directly affect our rates.”

Representative O'Connor then rose and stated:

“Mr. Speaker, I might remind the Chair and the previous speaker that a large number of people in this Body declared a conflict of interest when this matter came to vote last year in this assembly and each individual had the matter of his conflict ruled upon. I was one of those who declared such a conflict at the time and the matter was ruled by the Chair as not being in conflict.

I would like, at this time, to ask of the Chair whether or not those declarations made as regards this subject matter in the last year are still valid before this Body and whether or not the Chair still rules the same fashion.”

The Chair responded:

“The Chair has to rule that the motion on the point of order is out of order because under the rules of the House, each person had made a financial disclosure and as the Majority Leader stated last year, no one was disqualified to vote. So the Chair has to rule that the motion is out of order.”

At this time, Representative Wong was recognized by the Chair and stated:

“Mr. Speaker, just a matter of point of information. As I understand the comment made by our Majority Leader, I want to remind this Honorable Body that you will have to make a ruling again relative to this particular bill because it is not the same bill as last year. These are amendments to the bill, Mr. Speaker. I just want that clarified.”

The Chair replied:

“The Chair would have to rule the same as last year—no conflict of interest on the part of the members of this House.”

Representative Cobb then rose and stated:

“Just one additional point in commenting in reference to the remarks of one of the previous speakers. The question relating to the Ethics Commission guidelines is not whether we would be saving money by voting for this bill, but whether we would be deriving direct income in voting for this measure, and I still maintain those who derive direct income would have a conflict.”

The Chair replied:

“The Chair will have to rule that your inquiry is out of order because if you go on

that basis, and I have to disagree with the findings of the Ethics Commission, then none of us here can vote on any matters like taxation, salary increases for school teachers or property increase assessments so the Chair has to rule that there is no conflict of interest.

Shall we proceed.”

Representative Wakatsuki then rose and spoke against the amendment as follows:

“The previous speaker who spoke in favor of the amendment — the arguments raised are totally irrelevant and not germane to the term discrimination or discriminatory practices as outlined in the bill. The bill still prohibits the insurer from taking into consideration, directly or indirectly, race, creed, ethnic extraction or credit bureau rating in determining rates. If one believes and understands the principles of insurance, these factors are used to determine rates that would be reasonably applicable to a group or category of insureds that they who cause the cost of such insurance premium rates ought to bear that cost.

I submit, Mr. Speaker, that under the measure allowing the age, driving experience, sex and marital status, it would treat that category equally without any discrimination within that category. If we amend the measure before us and adopt what has been proposed then what we are doing, Mr. Speaker, is spreading the cost away from those who cause the high insurance rates within their category and shift that burden to those who are good drivers. Those above the age of 29 statistically show that their accident frequency is far less than those who are 29 and below. What we will be doing then is, to an extent, reducing percentage-wise the insurance premium rates for those below 29 and by increasing the insurance cost for those above 29 and I submit, Mr. Speaker, they are also voters in our districts.”

Representative Wong then rose and spoke in favor of the amendment as follows:

“Mr. Speaker, I think we have very short memories in this Honorable House. One year ago, to be precise, Mr. Speaker, on the 60th day of last session, this particular non-discriminatory section was considered the most important portion of the no-fault insurance bill. I know, Mr. Speaker, that on the 60th day, prior to final vote on the bill, the then Chairman of the Judiciary Committee, the present Majority Leader, went to some length to defend the presence of the anti-discriminatory provisions of the bill. This is what the then Chairman of the Judiciary Committee and Conference Committee Chairman said and I quote: ‘Mr. Speaker, one of the previous speakers stated that nowhere in this bill is there a provision having to do

with this discrimination as to age, sex, creed, race, et cetera. I would direct the member's attention to Page 46 under the general provisions, Mr. Speaker, in Section 33 of the bill which says, 'No insurer shall base any standard or rating plan in whole or in part, directly or indirectly, on race, creed, ethnic extraction, age, sex, length of driving experience, credit bureau rating or marital status.' He then went on and stated and I quote: 'I would suggest that those who speak on this bill read them entirely.' Mr. Speaker, I read H. D. 2 entirely and what the then Chairman of the Judiciary Committee so strongly defended as being a very important feature of the bill just one year ago has simply vanished this time around.

Mr. Speaker, I urge the members of this Honorable Body to vote in favor of the amendment.

Thank you, Mr. Speaker."

Representative Yap then rose and stated:

"Mr. Speaker, on this delineation of age and driving experience, I, too, voted for that and I will speak in favor of the amendment because I had a year to examine 22 states that have the no-fault insurance and not one of the 22 states have that inclusion in it.

Personally, I have all to gain if I stick that back in as I have two teenage drivers, but is it fair for me to say, stick it in and let somebody else carry my two kids' load. That is the reason why I pulled it out in fairness to the rest of the 75% of the driving public.

Thank you, Mr. Speaker."

Representative Soares then rose and asked whether or not the Judiciary Committee Chairman would yield to questions to which Representative Wakatsuki replied in the affirmative.

Representative Soares then inquired:

"Mr. Speaker, I would like to add, for the record, again the statement made that the insurers over 29 years of age would have to bear the brunt of the rate if we leave this amendment in where you have no discrimination on youth and single people."

Representative Wakatsuki replied:

"My understanding, Mr. Speaker, is that drivers 29 years of age and above in our State consist of the majority of the drivers and if we shift the cost of the premium rates applicable to those below 29 and spread it over to the group above 29, they will be carrying, statistically, a greater burden of the rate of insurance premium."

Representative Soares further inquired:

"Then you are saying, for the record if I might, that you claim we are shifting the burden, so to speak, of the rates to those above 29?"

Representative Wakatsuki replied:

"We will be shifting some of the burden above the 29 age bracket from those below age 29."

Representative Wong then rose and requested a roll call vote on Representative Leopold's amendment.

The motion to adopt the amendment was put by the Chair and failed to carry by a roll call vote of 23 ayes to 28 noes, with Representatives Akizaki, Amaral, W. Chong, de la Cruz, Fong, Iha, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Medeiros, Medina, Morioka, Nakama, O'Connor, Poepoe, Saiki, Sakima, Suwa, Takamine, Ushijima, Wakatsuki, Wedemeyer, Yamada, Yap and Beppu voting no.

Representative Wong then rose and stated:

"I have several amendments to offer and I believe, Mr. Speaker, that these amendments have been circulated to the members of the House and to expedite matters, Mr. Speaker, I would like to offer the amendment dealing with the restoration of the commissioner of motor vehicle as follows:

"SECTION 1. House Bill 2480-74, House Draft 2, is amended by amending Section 1 as follows:

In item (2) on page 2, the opening bracket on line 4 is deleted; the closing bracket on line 5 is deleted; and the underscored words on line 6 are deleted.

SECTION 2. House Bill 2480-74, House Draft 2, is amended by amending Section 2 as follows:

On page 65, the opening bracket on line 3 is deleted; the closing bracket on line 4 is deleted.

On page 65, the opening bracket on line 8 is deleted; the closing bracket on line 20 is deleted.

SECTION 3. House Bill 2480-74, House Draft 2, is amended by amending Section 3 as follows:

On page 66, the opening bracket on line 3 and the closing bracket on line 5 are deleted."

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

Representative Wong then spoke in favor of the amendment as follows:

"Mr. Speaker, the purpose of the floor amendment is to restore the establishment of the State commissioner of motor vehicle insurance which **House Draft 2** proposes to eliminate.

Let's recall what happened last session. Although the bill which became Act 203 contained a number of serious defects, many legislators were persuaded by the argument that the bill provided for a strong and separate motor vehicle insurance commissioner who would be given sufficient powers and support to assure implementation of the Act to its full effectiveness.

It is astonishing that a year later, we are being persuaded that we don't need a strong and separate motor vehicle insurance commissioner after all.

The committee report attempts to justify the elimination of the motor vehicle insurance commissioner by the statement that there is no valid justification for establishing two insurance commissioners. This is nonsense.

First, experience has shown that the auto insurance industry has been virtually unregulated by the State government. When we view this in light of the Director of Regulatory Agencies being charged with regulating more than fifty trades and businesses in the State, from barbers to bankers and from insurers to medicine men, we can readily see the reasons for this neglect.

Second, the automobile insurance industry is a rapidly expanding one which collects more than fifty million dollars in premiums each year. The growth and magnitude of this line of insurance virtually compels a separate person to be specifically in charge.

Third, the insurance required by Act 203 is just not any kind of insurance. It is unlike any insurance which the Director of Regulatory Agencies has administered. The principal difference is that the insurance which the Director has regulated up to now is 'voluntary' insurance; that is, regardless of the line of insurance, no one can compel the private citizen to buy the insurance. But, now, under Act 203, we have a motor vehicle insurance package which must be purchased by every registered car owner in the State, under penalty of law.

I think the argument is persuasive that when you have this kind of insurance, one which is mandatory rather than voluntary, it makes it even more compelling that we establish a strong and independent motor vehicle insurance commissioner.

The history of most government regulatory activities is that government ends up being the captive of the industry which it seeks to

regulate. This seems to have been the history of government and the auto insurance industry in Hawaii.

When Act 203 was enacted, there seemed to be just a slight glimmer of hope that perhaps, for once, we won't have government — and the public which it's supposed to represent — in the hip pocket of industry. But here we are again — shall we vote our consciences or shall we let the industry and the administration roll over us?

I urge the members of this Body to restore the independent motor vehicle insurance commissioner by voting for the floor amendment."

Representative Roehrig then rose on a point of personal privilege and stated:

"Mr. Speaker, you just heard a speech by the former speaker and I informed him when the session started that if he brought up any amendments, I was going to rise on a point of personal privilege because I am aggrieved by his remarks today.

Mr. Speaker, you will recall that at the beginning of the session, we adopted revised House Rules that provided for open meetings and open decision making. At the time the decision making took place on the no-fault insurance law, the Chairman of the Consumer Protection Committee invited all members of the House to sit in on the decision making; all members of the Judiciary Committee to sit in on the decision making and make their input heard in the Committee. They were offered the opportunity to provide written and oral amendments at the time of the decision making. The previous speaker chose not to attend all more than three hours of decision making on this particular bill and had he been there when this particular matter was taken up, perhaps the motor vehicle commissioner provision will not have been deleted at that time so I am aggrieved by his remarks today. I think that it is hollow rhetoric in light of the fact that he chose not to participate in decision making.

Thank you."

Representative Wong then rose on a point of personal privilege to address the remarks made by the previous speaker as follows:

"Mr. Speaker, I think his memory is very short. At the session when we dealt with this particular measure on the insurance commissioner, I think he agreed with me at that time that this was the 'nut' of the bill and we did discuss the matter and prior to that, Mr. Speaker, we did have a so-called session to sign the committee report. As I counted the room, there were 9 people in attendance, but there were 15 signatures on the committee

report, and I want to inform this Honorable Body that you don't sit on the railroad track when you hear a train coming.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I, at one time, was a strong advocate of the motor vehicle insurance commissioner's position being established in order to run the no-fault insurance plan. I am persuaded by those arguments made by the Director of Regulatory Agencies in that the rest of the insurance industry—all of the insurance outside of the no-fault requirement—will remain under his control and in a separate division of his department were a separate commissioner to be established for this one job only. As argued by the Director of the Department of Regulatory Agencies, it is more germane, at this time, to place this motor vehicle insurance in his department, together with the other lines of insurance. However, Mr. Speaker, I might add as a corollary, I am unconvinced at this time that we, in this growing State, do not need a separate Department of Insurance and I think that the matter is yet to be debated.

However, I am persuaded that all matters of insurance should remain together in one department for the time being."

The motion to adopt the amendment was put by the Chair and roll call having been requested, the amendment to H. B. No. 2480-74, H. D. 2, failed to carry by a vote of 16 ayes to 35 noes, with Representatives Aduja, Akizaki, Amaral, W. Chong, de la Cruz, Fong, J. Garcia, Hapai, Iha, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Poepoe, Saiki, Sakima, Soares, Suwa, Takamine, Ushijima, Wakatsuki, Wedemeyer, Yamada, Yap, Young and Beppu voting no.

At this time, Representative Wong offered the following amendment to H. B. 2480-74, H. D. 2:

"SECTION 1. House Bill 2480-74, House Draft 2, is amended by amending Section 1 as follows:

On page 19, the opening and closing brackets on line 5 are deleted; the underscored word on line 6 is deleted.

On page 24, the brackets enclosing the word 'establish' on line 18 are deleted; the underscored word on line 20 is deleted.

On page 26, the opening and closing brackets on line 7 are deleted; the opening and closing brackets on line 10 are deleted; the underscored word on line 10 is deleted; the opening bracket on line 13 is deleted; the

closing bracket on line 14 is deleted; and all underscored words on line 14 are deleted.

On Page 30, the opening bracket on line 12 is deleted; the closing bracket on line 16 is deleted; and all the underscored words on lines 16 through 22 are deleted.

On page 31, all the underscored words on line 1 are deleted.

On page 36, the opening and closing brackets on line 23 are deleted.

On page 37, the opening and closing brackets on line 1 are deleted; the underscored comma on line 1 is deleted; all underscored words on line 2 are deleted; the opening bracket on line 3 is deleted; and the closing bracket on line 17 is deleted.

On pages 38 through 47, all opening brackets and closing brackets are deleted.

On pages 48 through 59, described as "PART II - JOINT UNDERWRITING ASSOCIATION" and "PART III - ASSIGNED CLAIMS PLAN," inclusively, all underscored words are deleted.

On page 59, the opening and closing brackets on line 5 are deleted; the underscored roman numeral on line 5 is deleted."

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

Representative Wong then spoke in favor of the amendment as follows:

"Mr. Speaker, the purpose of the floor amendment is to restore the regulatory powers over the insurance industry to exactly those powers which are currently provided for in Act 203.

After wading through the thicket of House Draft 2, it becomes very clear that House Draft 2 incorporates all of the insurance industry's proposals to scuttle the regulatory provisions of Act 203.

Let's consider what led to the inclusion of these regulatory provisions in Act 203. Sad to say, it was not the House of Representatives which felt the compelling need to give the State effective regulatory powers over the insurance industry and insurance rates. The bill which the House sent over to the Senate last session had little in the way of strong regulation. It was the Senate which proposed the measures which ultimately found their way into Act 203. Occasionally, the Senate does engage in some plain talk, and I give them credit for talking plainly on the issue of regulation. Quoting from the Senate's stand-

ing committee report, this is what it said: 'In the Committee's study of this entire problem, we learned that we had no law effectively regulating and inspecting the auto insurance industry. When we attempted to secure . . . figures on costs and industry experience, we met with silence, stalls, stares, and soulful solicitude, but no solid statistics . . .' The Senate report went on to say: 'One major source of cost, we believe, is the fact that the industry is virtually unregulated. The governmental officers currently charged with policing the industry simply do not have the authority to police this industry adequately. This industry, particularly with reference to the auto liability insurance line, is not regulated at all when compared with the banking business, or the pharmaceutical industry, or whiskey distillers.'

While this was the Senate's position, let us remember that the House concurred by accepting the Senate's position in the final conference draft.

Now, today, before any of the regulatory provisions even have a chance of being tested, this House is being asked to bow to the power of the insurance industry — with an able assist from the administration.

It is more than just a matter of semantics whether we shall have the commissioner 'establish' rates, as Act 203 currently provides, or whether the commissioner shall merely 'approve' rates, as House Draft 2, the industry, and the administration propose.

I believe that at issue, no less, is whether the State shall exercise a passive role over insurance rates or whether it shall exercise an active role in protecting the interests of the motoring public. Question: What if we have an insurance commissioner — dedicated, smart, and persevering — and he finds that the rates proposed by the industry are a rip-off? Under House Draft 2, he can do no more than return the filings to the industry. From then on, it could be just another long, drawn-out skirmish. And what if some future commissioner finds that the rates then existing are a rip-off, perhaps rates approved by his predecessor. Could he do anything? Nothing, if we pass House Draft 2 without the proposed floor amendment.

If the industry is going to be regulated in any meaningful sense, the State must have the effective power to establish rates. It is virtually the only leverage that the State has to assure that the rate filings of the industry will be reasonable.

I am not persuaded by the committee report's weak and specious argument that the State should not undertake what the report calls 'the high costs of a rate-setting

procedure . . .' Virtually, the same intensity of actuarial analysis should go into the approval of rates as into the establishment of rates. But perhaps the real truth of the proposal is that approval of rates is merely a pro forma exercise, as seems to be the case under our current setup for the insurance industry as well as for other regulated industries.

Finally, consider this: the auto insurance industry is one of the most inefficient of all insurance industries. It takes \$1.66 in premium from the public for every \$1 in benefits which it returns for bodily injury; it takes \$1.63 for every \$1 in benefits for property damage; it takes \$1.71 for every \$1 in benefits for collision. Compare this with health insurance, such as HMSA, which delivers \$1 in benefits for only \$1.09.

The known and documented performance of the auto insurance industry does not inspire much confidence. If we adopt the floor amendment before us, we at least give the State—if not this administration, perhaps some future administration—the effective power to keep the industry honest.

I urge the members of this Body to represent the public on this issue and not capitulate to the narrow, profit-making interest of the industry. I urge you to vote for the floor amendment before you.

Thank you, Mr. Speaker."

Representative Wakatsuki then rose and spoke against the amendment as follows:

"I think what's facing us here, Mr. Speaker, is a question of whether the insurance commissioner under the proposed amendments here — does he or does he not have the effective power that the previous speaker spoke of. The effective power to regulate and establish rates — I believe that the amendments proposed in House Draft 1 does not delete that power. That particular power rests with the present insurance commissioner. The fact that the insurance industry must come to him to justify their rates means that the insurance commissioner does have the power to effectively approve, disapprove or also ask the auto insurance industry or company to change its rates.

Furthermore, the measure mandates the insurance commissioner to report to the legislature in justifying the rates that he approves of all the insurance companies."

Representative Wong then rose and inquired whether or not the Chairman of the Judiciary Committee would yield to a question to which Representative Wakatsuki replied in the affirmative.

Representative Wong then inquired:

"Mr. Speaker, am I to take it that what the Chairman of the Judiciary Committee is saying is that the commissioner has the right to set rates?"

Representative Wakatsuki replied:

"In effect, Mr. Speaker, when the insurers present the rates for approval, the insurance commissioner has the power to deny the rate that he believes unjustified; in effect, he has that power."

Representative Suwa rose on a point of order and requested a vote by voice rather than by roll call and the Chair, noting that there were no objections, so ordered.

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

Representative Wong then offered the following amendment to **H. B. 2480-74, H. D. 2:**

SECTION 1. House Bill 2480-74, House Draft 2, is amended by amending Section 1 as follows:

On line 6 of page 12, delete the amount of "\$1,500" and substitute therefor the amount of "\$5,000."

Representative Wong moved that the amendment by adopted, seconded by Representative Uechi.

Representative Wong then rose and spoke in favor of the proposed floor amendment to **House Bill No. 2480-74, H. D. 2** as follows:

"Mr. Speaker, **House Draft 2** established a dollar limit on benefits for medical and rehabilitative care. That limit is \$1,500. The purpose of the floor amendment is to change that limit from \$1,500 to \$5,000.

If it were possible, I would prefer that the floor amendment would have provided for no limit at all—and that insurance would pay for all losses. But I suspect that this Body is not ready to take the logical step of accomplishing the basic insurance objective of taking care of all accident victims.

Mr. Speaker, this Body has done an about-face on almost every major issue connected with auto insurance. And it has flipped, and through **House Draft 2**, it has flopped on the issue of medical benefits.

Just last session, this House sent over to the Senate its insurance bill. Some of us remember what the bill provided in terms of medical benefits. For those whose memories need to be refreshed, our bill—the bill of this Honorable Body—provided for five thou-

sand dollars in medical benefits. And I remember the Chairman of the Consumer Protection Committee defending the five thousand dollar limit on the floor of this House on the 43rd day. And I remember the Conference Chairman—the then Chairman of the Judiciary Committee—extol on the 60th day that a \$5,000 limit would make Hawaii's limit the most generous in the land. It isn't, of course. Michigan had the wisdom to enact a no-fault law with no limit on medical benefits. But to keep the story focused on what this House is doing, the question is: What mysterious chain of events has led the architects of **House Draft 2** to conclude that what the House of Representatives did last session was wrong? What magic has suddenly shrunk \$5,000 to \$1,500?

The committee report to **House Draft 1** makes a feeble attempt at justification. It says that the medical threshold of \$1,500 would satisfy the intent of taking care of 90% of claims. Even if we were to accept the 90% figure as coming under some kind of halo, and I don't see why we should, I doubt very much that the \$1,500 limit would have the effect which the drafters claim.

The only valid, independent study that I know of, which goes to this question, is the 1970 study by the U. S. Department of Transportation. And, true, one can reasonably conclude from that study that a limit of somewhere between \$1,000 to \$2,000 would, at some time, have taken care of 90% of claims.

But the 1970 transportation study was based on data collected in the late 1960's. We all know that, of all the sectors of consumer prices which have been driven up by inflation, the costs of medical and hospital care have been among the highest in the last few years. So what may have been true in the late sixties is most certainly not true today.

Mr. Speaker, if we are intent on setting a limit on medical benefits, we need to consider very carefully as to what a limit means.

I don't know whether the drafters of **House Draft 2** considered the matter, but the issue of a medical limit is certainly tied to another change which they have made. Act 203 made health plans the primary source for recovery of medical benefits. This made sense. After all, such carriers as HMSA pay in benefits over 90 cents for every dollar collected in premium, and standard coverages for hospital and medical benefits far exceed what Act 203 provided. Let us remember that fairly standard coverage under HMSA, for example, provides not only for basic benefits but major medical benefits running up to \$20,000 per person per year.

But note what **House Draft 2** has done. The

auto insurance carriers are made primary for medical benefits and made primary for the paltry amount of \$1,500.

Now, I don't know what the effects of all this will be. If the **House Draft 2** promoters know, I hope they'll tell us. Will the health insurance carriers now write new insurance policies which will pick up claims beyond what auto insurance will pay? Will they write in a \$1,500 deductible for auto-related injuries? Or will they exclude themselves entirely from paying auto-related injuries? What effects will all this have on health and hospital insurance premiums? The issue is simply this, Mr. Speaker. **House Draft 2** makes auto insurance primary. The health and hospital insurance carriers are out of it. The injured person goes, not to his health carrier for recovery of losses, but to his auto insurance carrier. And to what amount? Only \$1,500.

If this provision of **House Draft 2** goes through unamended, it is going to have a very perverse effect. Those who are the more seriously injured, those who are most in need of quick and adequate compensation for their losses, are the ones who must suffer through the tedious route of the tort liability system. And they will get nothing beyond \$1,500 if they were at fault in the accident, even if they were just a very little bit at fault.

In 1970, there were 12,000 persons injured in this State as a result of automobile accidents. Even if we accept the notion that over 10,000 of these persons would be taken care of by a medical coverage of \$1,500, can we, in all conscience, have the rest, the 1,200 of the more seriously injured, be cut off at \$1,500 and left to their own remedy? I sincerely hope not.

Let me conclude by saying that the \$5,000 limit in benefits proposed by the floor amendment is not magical either. But it is a more reasonable and a more humane limit if our objective is to try to take care of all accident limits. Let's be consistent. The House thought that \$5,000 was the right amount last session. Let's at least act as if we mean it.

I ask my colleagues to join me in voting for the floor amendment."

Representative R. Garcia then asked for a recess and the Chair, noting that there were no objections, declared a recess at 2:07 o'clock p.m., subject to the call of the Chair.

Upon reconvening at 2:09 o'clock p.m., Representative O'Connor rose and inquired whether or not the prior speaker would yield to questions to which Representative Wong replied in the affirmative.

Representative O'Connor then inquired:

"Do I understand from the long speech given by the prior speaker that he believes **H. B. 2480-74, H. D. 2** to limit the medical benefits which can be obtained under the no-fault to be only \$1,500?"

Representative Wong responded:

"Reluctantly, I must admit yes, that's my interpretation, Mr. Speaker."

Representative O'Connor continued:

"In which case, Mr. Speaker, I would refer the prior speaker to pages 4 and 5 of the bill which makes it rather clear that the total medical benefits which might be obtained under such a measure or in actuality, \$15,000, and the threshold of \$1,500 which only pertains to tort litigation. It has nothing to do with medical and hospital bills."

Representative Wong replied:

"I stand corrected, Mr. Speaker."

The motion to adopt the floor amendment to **H. B. No. 2480-74 H. D. 2**, was put by the Chair and failed to carry by a voice vote.

Representative J. Garcia rose on a point of personal privilege and stated:

"Mr. Speaker, I think we are beginning to notice now that you don't know whether the ayes or noes have won out because the condition of our stomach does not permit us to 'aye' very loudly or 'no' very loudly. May we suggest that lunch be served?"

Representative Wong then offered an amendment to **H. B. No. 2480-74, H. D. 2** as follows:

SECTION 1. House Bill 2480-74, House Draft 2, is amended by amending Section 1 as follows:

On line 8 of page 31, enclose the word 'fifteen' by brackets and add immediately thereafter the word 'twenty-five' underscored."

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

Representative Wong then rose and spoke in favor of the floor amendment to **H. B. 2480-74, H. D. 2** as follows:

"Mr. Speaker, **House Draft 2** requires that the insurer's premium on September 1, 1974 be reduced by 15% for a comparable coverage on January 1, 1973. The purpose of the floor amendment is to change the mandatory reduction from 15% to 25%.

Let me preface the discussion by saying,

first of all, that I believe many members of this Body, as well as the press and the public, have misconstrued the mandatory reduction provision. I believe they have been misled by the deceptive and elusive language of Act 203 which **House Draft 2** does not change.

Many members believe that, in spite of the flaws of Act 203 and **House Draft 2**, the saving grace is the provision for mandatory reduction. And they think this means that on September 1, the motorists in this State will be paying less for their automobile insurance. I think this is a very serious misapprehension.

For some time now, I've been trying to figure out just what the 15% reduction actually means. The debates last session certainly didn't clarify matters much, but there was some clue that perhaps the people in this State would be paying more, rather than less.

The House Journal for the 43rd day shows what, in perspective, seems to be a very interesting exchange, and I quote: 'Representative Yim then inquired, since most people are continuing to buy the present insurance and will be buying an additional \$25,000-first party coverage as required by this bill, whether one can conclude that premiums, instead of being reduced by 15% can be more costly.'

The response to Representative Yim was made by the Chairman of the Consumer Protection Committee and I quote: 'Representative Yap replied that anything can cost more than what a person is paying today; that is, this bill is not designed to save everybody money but is designed to pay those injured as rapidly as possible.'

So, in essence, I get the picture that even though something is to be reduced by 15%, the actual premium which the individual motorist pays may, in fact, go up.

Act 203 had language, and **House Draft 2** continues to use the language, that the 'commissioner shall enforce a mandatory reduction of not less than fifteen percent by each insurer, calculated as a percentage of the insurer's premium, for (and I emphasize these words), a comparable combination of insurance coverage in effect on January 1, 1973.'

Some of us remember how elusive and deceptive this language was. The Journal shows that Representative Uechi asked the question, and I quote: 'Exactly what . . . is to be reduced by 15 percent? What is to prevent the insurer from arriving at a high estimate of comparable combination insurance and reducing that by 15 percent?' The Journal also shows that no one responded to Representative Uechi's questions.

I think some of us having finally deduced the answer. **House Standing Committee Report 187, 1973**, states the following, and I quote: 'The Act mandates the insurance commissioner to establish the rates for the required insurance coverage and mandates a reduction of at least 15 percent in all rates for the first year of operation.' Remember, it reads '15 percent in all rates.' Then in immediate self-contradiction, the report says in the very next sentence: 'Comparable combination insurance, as herein used, means bodily injury and property damage insurance in the amounts required in this Act.' It doesn't mean 15 percent in all rates.

From all this, let me state the issues as clearly as I can:

First, the 15 percent mandatory reduction applies only to the insurance for bodily injury and property damage liability.

Second, and this is the important thing to remember, on September 1, every registered car owner in this State will be required to buy, not only the required liability insurance, but also \$15,000 coverage in no-fault benefits.

Third, it is not likely, that if the liability insurance is reduced by a mere 15 percent, the so-called savings would be sufficient to pay for the no-fault benefits package.

I believe that those of you who continue to cling to the illusion that on September 1, 1974, the average motorist will be paying less for all of his insurance than he is paying now had best face the reality, before it is too late, that this will probably not be so.

What the proposed floor amendment attempts to do is to minimize the cost impact to the motorist of the entire insurance package. By requiring a 25 percent reduction on the liability insurance side, the chances are better that the motorist may not pay too much more than he is paying now. The obvious question, of course, is this: Is a 25 percent reduction within reason? I believe it is, and certainly, it is more within reason than the 15 percent reduction.

On the 60th day of last session, the Conference Chairman—the then Chairman of the Judiciary Committee—said this about the mandatory 15 percent reduction, and I quote him: . . . your Conference Committee took the exact language out of the Florida statute having to do with the 15 percent decrease, and Florida experienced a decrease in premium rates in excess of 20 percent during the first year of operation.' He said, let us remember, 'in excess of 20 percent.'

Well, Mr. Speaker, Florida is Florida, and Florida was one year behind Massachusetts. The record in Massachusetts is instructive.

Massachusetts was the first state to provide for no-fault benefits, and when it did so, it also mandated a 15 percent reduction. But what Massachusetts found was that their reduction was extremely conservative, and they quickly set into motion an additional decrease of 27% for a total decrease of 42 percent.

As between what the then Chairman of the Judiciary Committee told us last session about the Florida experience and what we know about the Massachusetts experience, the floor amendment's 25 percent reduction appears, not only to be well within reason, but may in fact be very modest indeed. In fact, even as the administration as well as the industry came in this session with sweeping proposals to change Act 203, note that neither the industry nor the administration raised any objection with respect to the 15 percent reduction. No one can ever accuse the industry of being over-generous. It's reasonable to conclude that even 25 percent would not be an act of generosity on the part of the industry. So, Mr. Speaker, it boils down to this: Do we risk an overall increase in the premium which every motorist in this State is going to pay on September 1—and face the wrath of every motorist? Or do we try to minimize that risk by mandating a reduction which is within reason?

The choice is very clear. And I urge my colleagues to make the correct choice by voting for the floor amendment."

Representative O'Connor then rose and asked whether or not Representative Wong would yield to questions to which Representative Wong replied in the affirmative.

Representative O'Connor then inquired:

"Mr. Speaker, the amendment before this Body simply changes the word fifteen to the word twenty-five in the percentage of reductions mandated on Page 31 of the bill, leaving all prior language which was adopted last year the same.

I wonder if the prior speaker who indicated some misunderstanding of the language from the last session would indicate what he means when he says he wants a 25 percent reduction based upon the other contents of his prior speech."

Representative Wong responded:

"Mr. Speaker, I think one of the most basic questions that we have to answer here today and I think that has been disturbing to many members—when we talk about 15 percent, what are we talking about 15 percent—from where? I think the 25 percent reduction, Mr. Speaker, is based on what I consider those states that have experienced no-fault in

operation and I mentioned both of these states. One was Massachusetts, the other was Florida. Based on their experience of a one-year operating period, they were then able to arrive at a fixed rate of reduction.

Mr. Speaker, to this day, I have not had one actuarial figure which shows us what the costs to the motorists will be."

Representative O'Connor then stated:

"Mr. Speaker, I don't think the prior speaker answered my question. It was a very simple question. It simply had to do with what is it that he is decreasing by 25 percent since he indicates he can't understand what the 15 percent decrease was about."

Representative Wong then replied:

"Mr. Speaker, again I say that based on plans which were submitted in other states, that we have a track record to go by and it is based on the 15 percent reduction which I feel to be conservative and, Mr. Speaker, in addition to that, perhaps, to try and not evade his question, maybe I should ask him why the 15 percent was put into this particular bill."

Representative O'Connor replied:

"Mr. Speaker, since I am not going to get an answer to my question; therefore, I would rise to speak against the amendment."

Representative R. Garcia then interrupted and stated that he might be able to answer Representative O'Connor.

Representative O'Connor continued:

"Let me speak first, Mr. Speaker.

Mr. Speaker, I speak against the amendment. The language utilized in the measure that passed last year mandates a 15 percent reduction in each of the comparable combinations of insurance coverages which were in effect on January 1, 1973. In debate and in Committee work during that period of time, the comparable combinations of insurance coverage were designated as those policies which would make up the no-fault package. They remained roughly the same, Mr. Speaker. Those policies include both first party and third party insurance; the first party insurance being the basic no-fault package and provides for hospital, medical and wage replacement coverage. The third party insurance, Mr. Speaker, provides for the \$25,000 tort coverage. All of these types of insurance were in effect on January 1, 1973 and were being sold by insurance companies in this State at that time. Therefore, it would be a simple matter for the commissioner of insurance, whom I see walking in the balcony, to determine specifically what kinds of in-

surance we were talking about which were in effect on January 1, 1973 in the amounts designated in this bill and, therefore, determine from what the 15 percent savings should be met.

Therefore, if the record is not clear up to this time, I would attempt to, at this time, make the record clear as to the words comparable combinations of insurance coverages to indicate that that includes the first party and third party coverages which were mandated by the entire no-fault package.

The 15 percent language came from the Florida bill and again I will say, as the previous speaker indicated I said last year, the Florida experience, by including this kind of language in their bill in fact, had a savings of greater than 20 percent in the premiums when they put in no-fault and their mandate of 15 percent in the first year, in reality, turned out to be considerably more.

Therefore, I would urge all members to vote against the amendment."

Representative Roehrig then rose and inquired whether or not Representative Wong would yield to questions to which Representative Wong replied in the negative.

The motion to adopt the amendment to **H. B. No. 2480-74, H. D. 2** was put by the Chair and failed to carry by a voice vote.

Representative Wong then rose and stated:

"Mr. Speaker, I really want to apologize to the members of this House for the long hours and since I have taken this Body all over the lot, I would, in all seriousness, like to speak against this bill."

The Chair asked Representative Wong to proceed and Representative Wong continued:

"Mr. Speaker, the development of motor vehicle insurance laws has been one of the sorriest episodes of this Honorable Body. Each chapter seems to be more sordid, and more shameful, than the last.

Let's try to remember where it began. In 1970, Massachusetts started its no-fault plan. Around that time, the no-fault concept was beginning to awaken interest almost everywhere, as it did here.

In 1971, we decided that we couldn't act without a sound basis so we commissioned an independent study of motor vehicle insurance. That seems to be the only high point of this whole, sorry mess.

In 1972, John Haldi presented his study to the Legislature. No one could publicly poke holes at his study, but it was ignored. And I

believe that it was ignored because his recommendations flowed from the perspective of the vast, motoring public and not from the perspective of the insurance industry, or the perspective of the trial lawyers.

And these were forces not to be easily ignored. In 1972, this Body sent over to the Senate an insurance bill so full of holes that we had to admit publicly that we hoped that the Senate would fix it up. It was hung up in conference and, perhaps, rightfully so.

Last session, this Body used the guise of national model legislation in sending over its bill to the Senate. But, it was just that—a guise—and it bore little resemblance to the uniform legislation which the national commission had proposed. And what was finally written as Act 203 was an Act so badly flawed and so heavily weighted in favor of the trial lawyers, that calling it a no-fault bill would be a gross misnomer.

And so we come to the chapter now unfolding. The lawyers got in their licks last session; the industry is getting in its licks this session; and these licks come off the all-day sucker known as the consuming public. Act 203 is a bad Act; unbelievably, **House Draft 2** seeks to make it a worse Act.

In Summary, this is what is now being proposed by the drafters of **House Draft 2**:

First, the independent motor vehicle insurance commissioner who was defended as being so necessary last session is eliminated.

Second, all of the regulatory features of the Act—perhaps the only salutary features of Act 203 which were written in by the Senate—have been deleted, watered down, or otherwise rendered meaningless.

Third, it will be business as usual with the industry in their cavalier discrimination against young drivers and others who don't meet their capricious, mysterious standards.

Fourth, it has made the auto insurance industry primary over medical injuries, but only to the unbelievable low limit of \$1,500.

What else can be gutted from the Act? I don't know, but I believe that if we don't stop **House Draft 2**, we are yet to see the final chapter of the shameful story. They—and I mean the lawyers and the insurance industry—will be back for more.

And where does the vast consuming public come into the picture? Mr. Speaker, sad to say, the public's interest is the last interest to have been considered in every chapter written by this House. The public faces the prospect on September 1 of paying more for the motor vehicle insurance, of continuing to live with

the tort liability system, of getting very little in the way of benefits, and of continuing to be at the mercy of the insurance industry.

At long last, Mr. Speaker, have we no sense of shame? It is difficult to undo the wrong things that we have done. But I see no reason why we cannot refrain from compounding our errors.

One final thought — Act 203 is a bad Act, but we are not voting today to repeal it. We are only voting on whether we should distort it further. If **House Draft 2** is voted down, Act 203 is still the Act which must be implemented.

I ask the members of this House to remember all the double-talk, all the turnabouts, all the ambiguities, which we have been fed. For once, just once, let's say, stop, no more, we've had enough, and for once, let's act in the public's interest.

I urge my colleagues to vote against the measure on the floor."

At this time, the Vice Speaker assumed the rostrum and recognized Representative Wasai who stated:

"Mr. Speaker, I rise to speak against this measure.

Mr. Speaker, it was a few years ago that I spoke before all of you here and I said that the measure before us had a lot of faults. This afternoon, I will make my comments very brief again.

As I listened to the merit and demerit of the issues before us and as I see the bill before us, I still say that there's a lot of faults in it. Therefore, I urge my colleagues to vote against this particular measure."

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

"Mr. Speaker, the whole purpose of **House Draft 2** is to amend Act 203 and put it back into working order. The purpose of **House Draft 2** is designed to:

1. Speed up reparation for automobile accident regardless of fault.
2. Stabilize and reduce the motor vehicle insurance premium.
3. Drivers and owners of motor vehicles will have an easier system for purchasing insurance at a reasonable cost.
4. A compulsory insurance system to assure all victims the benefit of the law.
5. Adequately control measures to regulate

the insurance industry and to protect the consumers from abuse.

We have made some amendments to it. First, establish a fixed threshold of \$1,500. This would reflect the intent of the 90 percent sliding scale. 90 percent sliding scale from nothing means nothing. So rather than taking a chance on calculating on something you don't have on the 90 percent, I think we, as legislators, should have gumption enough to set a threshold and not leave it to the insurance commissioner. I think we have abdicated our beliefs a lot when we set rules and regulations. I think this afternoon we said it.

Second, had an exception to the severability clause providing that should the section relating to abolition of tort to be declared unconstitutional, the entire Act shall be null and void. This exception is made because we feel that this section was the heart of the no-fault, and should this section be declared unconstitutional, the whole Act is meaningless — doesn't mean a thing.

Third, abolish the office of commissioner of motor vehicle insurance. The present statute already provides for an insurance commissioner and at this time, we see no valid reason to have double expenses.

Fourth, we have excepted and established the Joint Underwriting Association Plan for assigned risks and claims. During the interim, I have instructed the industry to come out with something and because I am not a lawyer, I have told them what I wanted and Part II came out.

Fifth, the no-fault benefits primarily are medical and health plans. This would allow the consumer to look to one party for no-fault insurance benefits, medical and rehabilitative costs and loss of wages. I cannot see myself looking to two insurance companies, wondering who is going to pay for it. All medical plans do not cover hospitalization and every type of medical loss on a 100 percent basis and if the consumers use up his health care benefits due to an auto accident injury, he may be left unprotected or without any benefit for non-auto injury and illness. This would eliminate a large amount of paper work and higher premium costs that would result from split accounting and reporting system between insurance carrier and medical health plan.

Sixth, change the implementation date from July 1, 1974, to September 1, 1974, to allow the insurance commissioner and the industry to work out a good plan; to work out what the Act intended it to do, but not being mishmash.

Seventh, amend Act 203 so that the in-

insurance commissioner will approve or disapprove rates rather than set them. Already under mass merchandising, the insurance commissioner has rejected two proposals because the cost was too high—they had to come back with a lower cost.

Another thing, public hearings to be held before rates are to be raised—that is still in Act 203 and an annual report of the commissioner has to be made to the Legislature yearly. Every year, an annual report of their function has to be made to this Body and also to the Senate. Every year, we will have a chance to scrutinize the operation and their practices.

I have here from the whole industry as a comparable package, copies I am sure have been distributed to you, of the 25/50 bodily injury liability; \$10,000 property damage liability; uninsured motorist 10/20; \$5,000 medical payments, and this package will cost about \$148 as of January 1, 1973.

Under H. B. 2480-74, H. D. 2, we have a \$25,000 per person bodily injury liability; \$15,000 personal injury that includes medical income loss and incidentals; a \$10,000 property damage liability; uninsured motorist of \$25,000 per person, and this package costs \$125 which is a 15½ percent reduction for all of the total coverage.

I have another page that was passed over. Last year, we had sent a bill of a minimum basic 10/20/5 and the administration asked for 20/40/10 which it didn't approve but approved the no-fault.

I have right here on the comparable package for bodily injury, 25/50; \$5,000 medical payment; uninsured motorist 10/20, for \$107.

H. B. 2480-74 of \$25,000 per person bodily injury liability; \$15,000 personal injury which includes medical income and so forth; uninsured motorist of \$25,000 per person—this will come to \$88. Of course, this package does not include property damage or damage to his own motor vehicle. The \$107 and \$88 difference is a 17.8 percent savings on rates as of January 1, 1973.

Basically, if you are taking the minimum of 10/20/5 bodily injury liability; \$5,000 property damage liability; uninsured motorist of 10/20, the cost is \$114. That is based on a very minimum the State will allow. But if working on a comparable, it will be 25/50 and will cost \$148. H. B. 2480-74 which is a comparable of that, comes to \$145.

Now, in no way does House Bill 2480-74 delete any provisions or benefits of Act 203. You can find it if the members would like to look on pages 4, 5 and 7—\$15,000 first party

medical rehabilitation and income benefit requirements.

Page 17. Bodily injury liability of \$25,000 per person which is equivalent to 25/50—you will find that in there.

Page 17. \$10,000 property damage—you have that in there.

Pages 17 and 19. \$25,000 per person uninsured motorist requirement—still there.

Page 56. We have included the cost of providing free coverage for certain welfare people, the underprivileged, who really need the coverage. He has free coverage.

Pages 15 and 48. No licensed driver can be denied coverage as long as he pays premium. This coverage is for the people who bought insurance for 10-15 years and after one accident, denied insurance. It is stipulated on Pages 15 and 48 that nobody is denied insurance through regular channels. Also, all applicants do not have to find and choose or go begging for an insurance company. Pages 15 and 48 so specify that he can go to an insurance agency of his own choice and they must sell him the coverage under H. B. 2480-74 or Act 203. That didn't change.

Pages 57 and 59. Includes all costs for assigned claim plan. The hit-and-run victim will be included. All victims of hit-and-run driving will be included.

In summary, Mr. Speaker, H. B. 2480-74, H. D. 2 does not change any of the benefits of Act 203. The \$15,000 personal protection still remains; \$800 per month for loss of wages still remains; \$25,000 per person bodily injury liability and a \$10,000 property damage liability still remains in effect. In short, Mr. Speaker, all we did to Act 203 was to fix the four flat tires, put in gas, get a new battery—keep it going.

I urge all the members to vote aye so we can get this Act 203 into effect as fast as we can.

Thank you very much."

At this time, Representative Kunimura asked for a recess and the Chair, noting that there were no objections, declared a recess at 2:35 o'clock p.m.

Upon reconvening at 2:40 o'clock p.m., the Speaker resumed the rostrum and recognized Representative Cobb who stated:

"Mr. Speaker, I rise to speak in favor of this no-fault bill, with a few reservations.

To begin with, the principle of open meeting in Committee was violated when the real decisions were made behind closed doors.

For example, at our decision-making meeting that was open to the public, at least six amendments were offered by the minority and all were accepted with no discussion, question or debate by the committee chairmen. Now, while some of these amendments had merit, the point is the real decisions were made behind closed doors with the results only ratified in public. That, Mr. Speaker, is not following the spirit of open meetings and open decision making.

In addition, while many of the amendments are designed to clean up Act 203, there still remains pitfalls, faulty language and unnecessary cost factors in the bill such as:

Page 2, 1.21, makes an insurance agent an insurer subject to the same intrastate requirements as his company.

Page 18, 1.5. How is the commissioner to keep data on no-fault from January 1, 1973 when we didn't even have no-fault at that time and no comparable benefit scale?

Page 21, line 11 should read 'Part 1', not just 'this part.'

Page 23, line 1-10. No consideration is given to the cost of the Joint Underwriting Association.

Page 25, line 18-20. Since the bill mentions 'excess profits', the term should be defined, as well as mentioning and defining 'excess losses.'

Page 35, line 3-10. Will any of the committee chairmen tell me how it is possible for the insurance commissioner to review all of the paper work required? Why can't we get up a system of summary reports and audits where necessary instead of creating this mountain of paper work.

Finally, Mr. Speaker, with subrogation remaining at 50 percent, the cost estimate is \$7 to \$10 per premium, twice a year on the

average. But that one, we will just have to catch in the Senate.

Other than these few minor points, it's almost a good bill and while I can't urge my fellow members to vote aye, I can assure you we will see this bill again—in Conference Committee and for Final Reading on the last night of the session. By then, Mr. Speaker, we may need a dart board."

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

"Mr. Speaker, although I am voting for this bill, I, too, have some reservations but, Mr. Speaker, like a new born baby, we don't know how it is going to turn out until it grows up.

Let's give the measure a chance and also give our people of this State a break. Only through implementation will we be able to find the problem areas and make the necessary changes at that time.

In closing, Mr. Speaker, I want to say, let's not speculate what is going to happen, let's give it a chance. Opinions are like people—everybody has one."

The motion to pass **H. B. No. 2480-74** on Third Reading was put by the Chair and roll call having been requested, **H. B. 2480-74, H. D. 2** passed Third Reading by a vote of 39 ayes to 11 noes, with Representatives Ajifu, Aki, R. Garcia, Kato, King, Leopold, Soares, Uechi, Wasai, Wong and Yim voting no and Representative W. Chong being excused.

The Chair directed the Clerk to note that **H. B. No. 2480-74** had passed Third Reading at 2:50 o'clock p.m.

ADJOURNMENT

At 3:00 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. Monday, March 25, 1974.

FORTY-EIGHTH DAY

Monday, March 25, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Robert Griggs, Pastor of Aloha Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Aki, Fong, King, Poepoe and Uechi who were excused.

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

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 55) returning House Bill No. 2220-74 which passed Third Reading in the Senate on March 22, 1974 was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from Alfred Preis, Executive Director of the State Foundation on Culture and the Arts (Dept. Com. No. 11) transmitting copies of their 1973-74 Annual report was read by the Clerk and was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 31 to 34) were read by the Clerk and were disposed of as follows:

A communication from James S. Ushijima, County Clerk of the County of Maui (Misc. Com. No. 31) acknowledging receipt of H. R. No. 43 was placed on file.

A communication from C.E. Cowell (Misc. Com. No. 32) acknowledging receipt of H. R. No. 322 was placed on file.

A communication from Dorothy Haituka (Misc. Com. No. 33) acknowledging receipt of H. R. No. 336 was placed on file.

A communication from Shunichi Kimura, Mayor of the County of Hawaii (Misc. Com. No. 34) acknowledging receipt of H. R. No. 353 was placed on file.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 317-74) informing the House that House Resolution No. 453 and Standing Committee Report Nos. 318-74 to 340-74 had been printed and distributed.

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

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 318-74) recommending that H. B. No. 1548 pass Second Reading and be recommitted to the Committee on Higher Education with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1548, as amended, passed Second Reading and was recommitted to the Committee on Higher Education.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 319-74) recommending that H. B. No. 2124-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative J. Garcia here rose and said:

"Mr. Speaker, I wish to speak in favor of the motion, but I also wish to call to the attention of this Honorable Body that under Standing Committee Report 319-74, H. B. 2124-74, H. D. 1, acquisition of Honolulu Stadium site for a park complex, a very same measure was introduced in 1973 — H. B. 801, introduced by Representative John Leopold. We believe that, in all fairness, the Committee on Higher Education should have also simultaneously reported this measure out for referral to the Finance Committee."

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2124-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 320-74) recommending that H. R. No. 295 be referred to the Committee on Consumer Protection.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. R. No. 295 was referred to the Committee on Consumer

Protection.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 321-74) recommending that H. R. No. 30 be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. R. No. 30, as amended, was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 322-74) recommending that H. R. No. 366 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. R. No. 366 was referred to the Committee on Finance.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 323-74) recommending that H. B. No. 2749-74 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the majority of the Committee was adopted and H. B. No. 2749-74, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 324-74) recommending that H. B. No. 2928-74 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2928-74 passed Second Reading and was referred to the Committee on Consumer Protection.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 325-74) recommending that H. B. No. 2813-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2813-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report

(Stand. Com. Rep. No. 326-74) recommending that H. B. No. 2634-74 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2634-74 passed Second Reading and was referred to the Committee on Consumer Protection.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 327-74) recommending that H. B. No. 2892-74 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2892-74 passed Second Reading and was referred to the Committee on Consumer Protection.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 328-74) recommending that H. B. No. 2330-74 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. B. No. 2330-74, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 329-74) recommending that H. B. No. 177 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. B. No. 177, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 330-74) recommending that H. B. No. 2953-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. B. No. 2953-74 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. 331-74) recommending that H. B. No. 2981-74 pass Second Reading and be referred to

the Committee on Finance with certain amendments.

On motion by Representative Iha, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. B. No. 2981-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 332-74) recommending that H. B. No. 2361-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2361-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 333-74) recommending that H. B. No. 2899-74 pass Second Reading and be referred to the Committee on Labor and Public Employment with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2899-74, as amended, passed Second Reading and was referred to the Committee on Labor and Public Employment.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 334-74) recommending that H. R. No. 274 be adopted.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, consideration of Stand. Com. Rep. No. 334-74 on H. R. No. 274 was deferred until the end of the calendar.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 335-74) recommending that H. R. No. 267 be adopted with certain amendments.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, consideration of Stand. Com. Rep. No. 335-74 on H. R. No. 267, as amended, was deferred until the end of the calendar.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 336-74) recommending that H. R. No. 137 be adopted.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. R. No. 137 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 337-74) recommending that H. R. No. 18 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. R. No. 18, as amended, was adopted.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 338-74) recommending that H. C. R. No. 18 be adopted with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. C. R. No. 18, as amended, was adopted.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 339-74) recommending that H. B. No. 2287-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2287-74 passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 27, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 340-74) recommending that S. B. No. 1733-74, S. D. 2 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and S. B. No. 1733-74, S. D. 2, as amended, passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 27, 1974.

The Chair here directed the Clerk to note that printed copies of H. B. No. 2287-74 and S. B. No. 1733-74, S. D. 2, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

At 11:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:15 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Aki, Fong, King and Uechi.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 3092-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 3092-74** passed Third Reading by a vote of 48 ayes, with Representatives Hapai, Iha and Poepoe being excused.

H. B. No. 2582-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 2582-74** passed Third Reading by a vote of 48 ayes, with Representatives Hapai, Iha and Poepoe being excused.

H. B. No. 2074-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2074** passed Third Reading by a vote of 48 ayes, with Representatives Hapai, Iha and Poepoe being excused.

S. B. No. 1517-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **S. B. No. 1517-74** passed Third Reading by a vote of 48 ayes, with Representatives Hapai, Iha and Poepoe being excused.

H. B. No. 2997-74

Representative Wong moved that **H. B. No. 2997-74** pass Third Reading, seconded by Representative Ushijima.

Representative Wong, speaking in favor of the bill, stated the following:

"Mr. Speaker, I rise to speak in favor of this bill. This bill reinforces the provisions of the State petroleum products rules requiring temperature corrections on all deliveries of petroleum products. This requirement is necessary to assure uniform and accurate deliveries to all parties concerned. The importance of the temperature correction can be illustrated by the fact that without it the consumer of Hawaii would have been shorted 3.4 million gallons of gasoline in 1973 at a loss of 1.7 million gallons. The Department of Regulatory Agencies, the administering agency under this bill, strongly supports its passage. Therefore, Mr. Speaker, I urge all members of this body to vote in favor of the bill."

The motion was put by the Chair and carried and **H. B. No. 2997-74** passed Third Reading by a vote of 48 ayes, with Representatives Hapai,

Iha and Poepoe being excused.

H. B. No. 2995-74

Representative Wong moved that **H. B. No. 2995-74** pass Third Reading, seconded by Representative Ushijima.

Representative Wong rose to speak in favor of the measure as follows:

"Mr. Speaker, I rise to speak in favor of this bill. Mr. Speaker, the purpose of this bill is to require the oil companies to report monthly on the manufacture, importation and distribution activities to the Department of Regulatory Agencies. With the data provided, it is hoped that the State will be able to develop accurate records on Hawaii's supply and consumption of oil and oil products. The development of such records is vital for the State's future well being.

This is illustrated by the difficulties experienced by the State Energy Task Force and by your Special House Committee on Energy in attempting to come up with accurate data on the gasoline shortage. The lack of accurate data seriously impeded with the State's efforts to cope with the problem. Since shortages of gasoline and other oil products are likely to continue in the future, it is imperative that we start developing accurate records now so that we won't have the confusion and ignorance later. Therefore, Mr. Speaker, I urge all the members of this Honorable Body to vote in favor of the bill."

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

"Mr. Speaker, I rise to speak in favor of the bill. Mr. Speaker, the bill requires certain reporting by the oil distributors in the community. We have been informed by the FEO that their Form 1000, which contains a reporting requirement, a copy of which is being distributed in this State, cannot be used as public information because of the proprietary nature of the information contained. Therefore, the FEO has declared that this report essentially confidential.

It is impossible for this State, for this Legislature, or for anyone else to monitor the oil/gasoline situation without having the information contained on a reporting form similar to the FEO 1000. Since the FEO has decreed that this form is confidential for use by the State, it is mandatory that the State create its own reporting system. That reporting system should conform as closely as possible to that required by the federal government which this bill does to keep the oil distributors from having to duplicate their work. Therefore, Mr. Speaker, since the FEO takes the position that we cannot utilize in public the information that they demand

from oil distributors, it is necessary that we enact a bill such as 2995, and I would urge all to vote in favor of it."

The motion was put by the Chair and carried, and **H. B. No. 2995** passed Third Reading by a vote of 48 ayes, with Representatives Hapai, Iha and Poepoe being excused.

At this time, Representative Wakatsuki rose and stated:

"Before proceeding with the agenda, may I insert into the Journal for the record that **Senate Bill 1517-74, H. D. 1**—that bill has no application to Hawaiian Home Lands."

Representative J. Garcia rose on a point of order and stated:

"May we have an explanation for the request by the Chairman of the Judiciary Committee. I don't think any of us fully understand the rationale of your statement."

Representative Wakatsuki rose and replied:

"Yes, Mr. Speaker. There was a question whether the bill that we voted on, **S. B. 1517-74**, had any application to Hawaiian Home Lands, and the Chairman of the Committee is of the opinion that this bill has no application to Hawaiian Home Lands or leases, that the application here refers to the old homestead law where 199-year leases were issued."

The Chair here directed the Clerk to note that **H. B. Nos. 3092-74, 2582-74, 2074-74, S. B. No. 1517-74, H. B. Nos. 2997-74 and 2995-74** had passed Third Reading not earlier than 12:20 o'clock p.m.

UNFINISHED BUSINESS

S. B. No. 1498-74 on Third Reading, deferred from March 22, 1974.

By unanimous consent, **S. B. No. 1498-74** was recommitted to the Committee on Consumer Protection.

H. B. No. 2215-74, as amended, deferred from March 22, 1974.

Representative Lunasco moved that **H. B. No. 2215-74**, as amended, pass Third Reading, seconded by Representative Suwa, and roll call being requested, **H. B. No. 2215-74** passed Third Reading by a vote of 35 ayes to 13 noes, with Representatives Ajifu, Amaral, A. Chong, Cobb, R. Garcia, Kato, King, Kunimura, Leopold, Medina, Oda, Roehrig and Yim voting no and Representatives Hapai, Iha and Poepoe being excused.

The Chair here directed the Clerk to note that **H. B. No. 2215-74** had passed Third Reading at 12:28 o'clock p.m.

COMMITTEE REASSIGNMENTS

H. R. No. 404 was re-referred to the Committee on Transportation.

S. B. No. 1601 was re-referred to the Committee on Public Health and Welfare.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 334-74 (H. R. No. 274):

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and **H. R. No. 274** was adopted.

Stand. Com. Rep. No. 335-74 (H. R. No. 267, H. D. 1):

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and **H. R. No. 267**, as amended, was adopted.

ADJOURNMENT

At 12:33 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. Wednesday, March 27, 1974.

FORTY-NINTH DAY

Wednesday, March 27, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Richard G. Schumm, Pastor of Our Redeemer Lutheran Church, after which the Roll was called showing all members present with the exception of Representatives Aki, Amaral, King, Kondo, Kunimura, Takamine, Yamada and Young who were excused.

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

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

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 68) transmitting cost items for the collective bargaining agreement negotiated with HGEA, the bargaining representative of the Professional and Scientific Employee Unit, Unit 13, was read by the Clerk and was placed on file.

SENATE COMMUNICATION

A communication from the Senate ((Sen. Com. No. 56) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1559-74 and that Senate Bill No. 1559-74, as amended, passed Final Reading in the Senate on March 25, 1974, was read by the Clerk and was placed on file.

At 11:07 o'clock a.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

At 11:08 o'clock a.m., the House of Representatives reconvened.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 341-74) informing the House that Standing Committee Report Nos. 342-74 to 358-74 had been printed and distributed.

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

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 342-74) recommending that H. R. No. 379 be referred to the Committee

on Finance.

On motion by Representative Lee, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. R. No. 379 was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 343-74) recommending that H. B. No. 2888-74 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2888-74, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

At 11:10 o'clock a.m., on request by Representative Roehrig, the Chair declared a recess, subject to the call of the Chair.

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

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 344-74) recommending that H. B. No. 2682-74 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

Representative Yap moved that action on Stand. Com. Rep. No. 344-74 on H. B. No. 2682-74, as amended, be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 345-74) recommending that H. B. No. 2506-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 345-74 on H. B. No. 2506-74 was deferred until tomorrow, March 28, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2506-74 were made available to the members of the House at 11:00 o'clock a.m.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 346-74) recommending that H. B. No. 2618-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 346-74 on H. B. No. 2618-74 was deferred until tomorrow, March 28, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2618-74 were made available to the members of the House at 11:00 o'clock a.m.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 347-74) recommending that S. B. No. 1729-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and S. B. No. 1729-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 348-74) recommending that H. B. No. 2760-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2760-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 349-74) recommending that H. B. No. 2564-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 2564-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 350-74) recommending that H. B. No. 2491-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 350-74 on H. B. No. 2491-74, H. D. 1 was deferred until tomorrow, March 28, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2491-74, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 351-74) recommending that H. B. No. 2329-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2329-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Suwa, for the Committee on

Finance, presented a report (Stand. Com. Rep. No. 352-74) recommending that H. B. No. 2623-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2623-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 353-74) recommending that H. B. No. 2199-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2199-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 354-74) recommending that H. B. No. 1430 pass Second Reading and be placed on the calendar for Third 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. 1430, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

At 11:12 o'clock a.m., on request by Representative Wakatsuki, the Chair declared a recess, subject to the call of the Chair.

At 11:13 o'clock a.m., the House of Representatives reconvened.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 355-74) recommending that H. B. No. 1136 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the majority of the Committee was adopted and H. B. No. 1136, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 28, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 356-74) recommending that H. R. No. 248 be adopted with certain amendments.

Representative Yap moved that action on Stand. Com. Rep. No. 356-74 on H. R. No. 248, as amended, be deferred until the end of the

calendar and the Chair, noting that there were no objections, so ordered.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 357-74) recommending that H. R. No. 152 be adopted.

Representative Lee moved that action on Stand. Com. Rep. No. 357-74 on H. R. No. 152 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 358-74) recommending that H. C. R. No. 17 be adopted.

Representative Lee moved that action on Stand. Com. Rep. No. 358-74 on H. C. R. No. 17 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

The Chair directed the Clerk to note that printed copies of H. B. Nos. 2760-74; 2564-74, H. D. 1; 2329-74; 2623-74; 2199-74 and 1430, H. D. 1; and S. B. No. 1729-74 were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. No. 454 to 457) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 454) commending Mrs. Sylvia Kunin Eben and others for their efforts in the Musical Encounter Program was jointly offered by Representatives Saiki, Aduja, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, Fong, R. Garcia, Hapai, Iha, Kato, Kimura, Kunimura, Lunasco, Medeiros, Medina, Nakama, O'Connor, Oda, Poepoe, Roehrig, Sakima, Soares, Takamine, Uechi, Wakatsuki, Wasai, Wong, Yamada, Yap, Yim and Young.

On motion by Representative Saiki, seconded by Representative Poepoe and carried, H. R. No. 454 was adopted.

A resolution (H. R. No. 455) congratulating Steven Nishi on his musical achievements was jointly offered by Representatives Saiki, Aduja, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Nakama, O'Connor, Oda, Poepoe, Roehrig, Sakima, Soares, Takamine, Uechi, Wasai, Wong, Yamada, Yap, Yim, Young and Yuen.

On motion by Representative Saiki, seconded by Representative Carroll and carried, H. R. No. 455 was adopted.

At 11:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:03 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Aki, Amaral, King, Kondo, Kunimura, Takamine, Yamada and Young.

A resolution (H. R. No. 456) congratulating the Kalihi AJA baseball team for winning the Honolulu Senior AJA Baseball League championship was jointly offered by Representatives Sakima, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama, O'Connor, Oda, Saiki, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Yuen and Beppu.

On motion by Representative Sakima, seconded by Representative Yap and carried, H. R. No. 456 was adopted.

A resolution (H. R. No. 457) congratulating Hidetsura Miura, winner of the George Award for 1973 was jointly offered by Representatives Takamine, 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, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Takamine, seconded by Representative Roehrig and carried, H. R. No. 457 was adopted.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 2287-74

On motion by Representative Kato, seconded by Representative Sakima, H. B. No. 2287-74 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

S. B. No. 1733-74

On motion by Representative Wakatsuki, seconded by Representative Kato, S. B. No. 1733-74

passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that **H. B. No. 2287-74** and **S. B. No. 1733-74** had passed Third Reading at 12:05 o'clock p.m.

At 12:06 o'clock p.m., on request by Representative Lee, the Chair declared a recess, subject to the call of the Chair.

At 12:11 o'clock p.m., the House of Representatives reconvened.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 344-74 (H. B. No. 2682-74, H. D. 1):

On motion by Representative Yap, seconded by Representative Yuen and carried, **Stand. Com. Rep. No. 344-74** and **H. B. No. 2682-74, H. D. 1** were recommitted to the Committee on Consumer Protection.

Stand. Com. Rep. No. 356-74 (H. R. No. 248, H. D. 1):

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. R. No. 248**, as amended, was adopted.

Stand. Com. Rep. No. 357-74 (H. R. No. 152):

On motion by Representative Lee, seconded by Representative A. Chong and carried, **Stand. Com. Rep. No. 357-74** and **H. R. No. 152** were recommitted to the Committee on Labor and Public Employment.

Stand. Com. Rep. No. 358-74 (H. C. R. No. 17):

On motion by Representative Lee, seconded by Representative A. Chong and carried, **Stand. Com. Rep. No. 358-74** and **H. C. R. No. 17** were recommitted to the Committee on Labor and Public Employment.

ADJOURNMENT

At 12:17 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 28, 1974.

FIFTIETH DAY

Thursday, March 28, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Eijun Kujo of the Kahului Hongwanji Mission, after which the Roll was called showing all members present with the exception of Representatives Kato, Kawakami, Kihano, Kondo, Kunimura, Lee, Roehrig, Yap and Yuen who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 57 to 59) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 57) transmitting **Senate Concurrent Resolution No. 28** requesting the City and County of Honolulu to take immediate and decisive action in developing the Kawainui Regional Park including the 260 acre parcel adjacent to the swamp which was adopted by the Senate on March 27, 1974 was placed on file.

By unanimous consent, action on S. C. R. No. 28 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 58) transmitting **Senate Bill No. 1943-74** entitled: "A Bill for an Act proposing an amendment to Article III, Section 17, of the Constitution of the State of Hawaii to exclude from the item veto items which are appropriated to be expended by the Judicial and Legislative Branches," which passed Third Reading in the Senate by not less than two-thirds vote of all the members to which the Senate is entitled on March 27, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 59) transmitting **Senate Bill No. 1944-74** entitled: "A Bill for an Act clarifying the relationship of executive agencies with the Judicial Branch and the Legislative Branch," which passed Third Reading in the Senate on March 27, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. Nos. 1943-74 and 1944-74 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 35 and 36) were read by the Clerk and were disposed of as follows:

A communication from Messrs. Ernest T. Yuasa and George S. Moriguchi, directors of Building and Land Utilization Departments, City and County of Honolulu (Misc. Com. No. 35) submitting a report in response to H. R. No. 43 was placed on file.

A communication from The Reverend Edwin J. Duffy, Director of the Campaign for Human Development (Misc. Com. No. 36) transmitting their statement on abortion was placed on file.

At this time, Representative J. Garcia introduced to the members of the House The Honorable John Gortberg, Representative from the State of Illinois. The Chair here appointed Representatives Amaral and Poepoe to escort Representative Gortberg to the rostrum whereupon he addressed the members of the House as follows:

"Thank you, Mr. Speaker, Mr. Minority Leader, ladies and gentlemen of the House of Representatives of the 50th State. I can't tell you what a thrill it is for me personally to bring you greetings from the land of Lincoln.

I am a representative, like you are, of about 180,000 citizens just west of Chicago; and I find your Speaker and many of you are as familiar with Chicago as I am. I also work very hard for the 11 million citizens of the State of Illinois, and we go into session next week to chew up an \$8 billion budget, hopefully to the benefit of the taxpayers as I am sure those in the gallery will understand. I thank you again; aloha and mahalo and the whole thing is just beautiful. We are so pleased to have been with you this morning. My wife and her aged father are over at the hotel. They've had about all the vacation they can stand this morning and delegated me to bring you their regards. Thank you very much."

At 11:14 o'clock a.m., on request by Representative Wakatsuki, the Chair declared a recess, subject to the call of the Chair.

At 11:16 o'clock a.m., the House of Representatives reconvened.

The Chair here directed the Clerk to note the presence of Representatives Kawakami, Kato, Lee and Yuen.

ORDER OF THE DAY**COMMITTEE REFERRALS**

The following bills (S. B. Nos. 1943-74 and 1944-74) were disposed of as follows:

S. B. No.	Referred to:
1943-74	Committee on Judiciary and Corrections, then to the Committee on Finance
1944-74	Committee on Judiciary and Corrections, then to the Committee on Finance

DEFERRED RESOLUTION

S. C. R. No. 28 was referred to the Committee on Federal-State-County, then to the Committee on Water, Land Use and Development.

COMMITTEE REASSIGNMENTS

The following bills (H. B. Nos. 2411-74 and 2787-74) were re-referred as follows:

H. B. No.	Re-referred to:
2411-74	Committee on Agriculture, then to the Committee on Finance
2787-74	Committee on Agriculture

H. R. No. 404 was re-referred to the Committee on Transportation.

S. B. No. 1601-74 was re-referred to the Committee on Public Health and Welfare.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 359-74) informing the House that House Resolution Nos. 454 to 457 and Standing Committee Report Nos. 360-74 to 395-74 had been printed and distributed.

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

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 360-74) informing the House of its progress in implementing the recommendations contained in the State comptroller's report entitled: "Report on Internal Control and Accounting Procedures for the Eleven Months Ended October 31, 1973."

By unanimous consent, the report of the Committee was received and placed on file.

Representative Sakima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 361-74) recom-

mending that H. B. No. 2599-74 pass Second Reading and be recommitted to the Committee on Higher Education with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the majority of the Committee was adopted and H. B. No. 2599-74, as amended, passed Second Reading and was recommitted to the Committee on Higher Education.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 362-74) recommending that H. R. No. 314 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Morioka and carried, the report of the Committee was adopted and H. R. No. 314 was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 363-74) recommending that H. C. R. No. 49 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Morioka and carried, the report of the Committee was adopted and H. C. R. No. 49 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. 364-74) recommending that H. C. R. No. 25 be referred 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. 25 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. 365-74) recommending that H. B. No. 2611-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2611-74, as amended, passed Second Reading and was referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 366-74) recommending that H. B. No. 2978-74 pass Second Reading and be referred 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. B. No. 2978-74 passed Second Reading and 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. 367-74**) recommending that **H. B. No. 2993-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2993-74**, 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. 368-74**) recommending that **H. R. No. 426** be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. R. No. 426** was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 369-74**) recommending that **H. R. No. 181** be referred to the Committee on Finance.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. R. No. 181** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 370-74**) recommending that **H. R. No. 381** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 381** was referred to the Committee on Finance.

Representative Wasai, for the majority of the Committee on Education, presented a report (**Stand. Com. Rep. No. 371-74**) recommending that **H. B. No. 2631-74** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the majority of the Committee was adopted and **H. B. No. 2631-74** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 372-74**) recommending that **H. R. No. 369** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 369**

was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 373-74**) recommending that **H. R. No. 349** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 349** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 374-74**) recommending that **H. R. No. 368** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 368** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 375-74**) recommending that **H. R. No. 382** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 382** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 376-74**) recommending that **H. R. No. 311** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 311** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 377-74**) recommending that **H. C. R. No. 46** be referred to the Committee on Finance with certain amendments.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. C. R. No. 46**, as amended, was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 378-74**) recommending that **H. B. No. 2819-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2819-74** passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report

(Stand. Com. Rep. No. 379-74) recommending that H. B. No. 2802-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2802-74 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 380-74) recommending that H. B. No. 2678-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2678-74 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 381-74) recommending that H. B. No. 2868-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2868-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 382-74) recommending that H. B. No. 2744-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2744-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 383-74) recommending that H. B. No. 2370-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2370-74 passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 384-74) recommending that H. B. No. 2455-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded

by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2455-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 385-74) recommending that H. B. No. 446 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 446, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 386-74) recommending that H. B. No. 2899-74, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2899-74, H. D. 1 was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 387-74) recommending that H. B. No. 2864-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2864-74 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. 388-74) recommending that H. B. No. 521 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yuen, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 521, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 389-74) recommending that H. B. No. 193, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 389-74 on H. B. No. 193, H. D. 1 was deferred until tomorrow, March 29, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 193, H. D. 1 were made available to the members of the House at 11:00

o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep. No. 390-74**) recommending that **H. B. No. 2617-74** pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. No. 390-74** on **H. B. No. 2617-74** was deferred until tomorrow, March 29, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2617-74** were made available to the members of the House at 11:00 o'clock a.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 391-74**) recommending that **H. B. No. 2467-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2467-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 392-74**) recommending that **H. B. No. 2704-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2704-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 393-74**) recommending that **H. B. No. 2756-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2756-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 394-74**) recommending that **S. B. No. 1702-74**, **S. D. 1** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kato, seconded by Representative Takamine and carried, the report of the Committee was adopted and **S. B. No. 1702-74** passed Second Reading and was

placed on the calendar for Third Reading tomorrow, March 29, 1974.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 395-74**) recommending that **H. B. No. 2272-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 2272-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1974.

The Chair here directed the Clerk to note that printed copies of **H. B. Nos. 521**, **H. D. 1**, **2467-74**, **H. D. 1**, **2704-74**, **H. D. 1**, **2756-74**, **H. D. 1**, **S. B. No. 1702-74**, **S. D. 1** and **H. B. No. 2272-74**, **H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

The Chair here directed the Clerk to note the presence of Representatives Kunimura, Kondo, Kihano, Yap and Roehrig.

INTRODUCTION OF RESOLUTIONS

The following resolutions (**H. R. Nos. 458 to 462**) and concurrent resolution (**H. C. R. No. 73**) were read by the Clerk and were disposed of as follows:

A resolution (**H. R. No. 458**) commending Harlan Cleveland for his distinguished service as President of the University of Hawaii system and extending him congratulations and best wishes on his appointment with the Aspen Institute for Humanistic Studies was jointly offered by Representatives Kimura, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, 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, Yuen and Beppu.

On motion by Representative Kimura, seconded by Representative Sakima and carried, **H. R. No. 458** was adopted.

A resolution (**H. R. No. 459**) extending congratulations to Hawaii's community colleges was jointly offered by Representatives Kimura, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, 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, Yuen and Beppu.

On motion by Representative Kimura, seconded by Representative Suwa and carried, **H. R. No. 459** was adopted.

A resolution (**H. R. No. 460**) commending the University of Hawaii for national recognition as a leading research university and extending to the university community congratulations and best wishes for continued success in the pursuit of academic excellence was jointly offered by Representatives Kimura, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, de la Cruz, Fong, J. Garcia, R. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, 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, Yuen and Beppu.

On motion by Representative Kimura, seconded by Representative Ushijima and carried, **H. R. No. 460** was adopted.

At this time, Representative Kimura introduced to the members of the House Mr. Harlan Cleveland. The Chair appointed Representatives King, Lee, Oda and Fong to escort Mr. Cleveland to the rostrum, whereupon he addressed the members of the House as follows:

"Mr. Speaker, ladies and gentlemen of the House of Representatives:

This is really quite overwhelming. It puts me in mind of what Mrs. Astor was supposed to have said just before she went down on the Titanic. I don't know how anybody knows what she's supposed to have said just then, but the story is that as she saw the iceberg come through the state-room she said: 'Well, I did order ice, but this is preposterous.'

I appreciate very much the sentiments, and this resolution particularly, to be associated in your action today with the resolutions you have just passed about the research standing of the University of Hawaii and in celebration of the 10th anniversary of the beginning of the community colleges. This body has shown enormous wisdom in the development of a statewide system of public higher education which is now a match for the other great systems—not as big but as good—in the United States. And I'd like, if I may, to accept these sentiments today on behalf not only of myself and my wife but of ten regents, of 5,000 faculty and staff and, at latest count, 50,400 students.

Let me leave you with a sentiment in return. I've always thought that one paragraph of Robert Louis Stevenson demonstrated that he had gotten a great deal out of that six months that he had spent in Hawaii in 1888. And it is a sentiment that

I have derived myself from my unfortunately temporary residence here. He said: 'Give us grace and strength to persevere. Give us courage and gaiety and the quiet mind. Spare to us our friends and soften to us our enemies. Give us the strength to encounter which is to come that we may be brave in peril, constant in tribulation, tempered in wrath and in all changes in fortune and down to the gates of death loyal and loving to one another.'

I found those helpful in my work, and may be you'll even find them helpful in yours. Thank you."

A resolution (**H. R. No. 461**) extending warmest aloha and best wishes to the students and faculty of Bell Junior High School was jointly offered by Representatives Wakatsuki, Aduja, Akizaki, Amaral, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, Hapai, Iha, Kato, Kawakami, Kihano, Kimura, Kishinami, Medeiros, Saiki, Sakima, Uechi, Ushijima, Wong, Yamada, Yuen and Beppu.

On motion by Representative Wakatsuki, seconded by Representative Sakima and carried, **H. R. No. 461** was adopted.

At this time, Representative Wakatsuki introduced the students of Bell Junior High School and their jazz band to the members of the House.

At 11:20 o'clock a.m., on request by Representative Wakatsuki, the Chair declared a recess subject to the call of the Chair to allow the Bell Junior High School jazz band to perform for the members of the House.

At 11:38 o'clock a.m., the House of Representatives reconvened.

A resolution (**H. R. No. 462**) honoring Radio Station Kisa for contributions to the Filipino community and for public service was jointly offered by Representatives Yap, Sakima, Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, R. Garcia, Iha, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lunasco, Medeiros, Medina, Morioka, Nakama, Oda, Poepoe, Saiki, Suwa, Takamine, Ushijima, Wasai, Wedemeyer, Wong, Yamada, Yim, Young and Yuen.

On motion by Representative Yap, seconded by Representative Sakima and carried, **H. R. No. 462** was adopted.

A concurrent resolution (**H. C. R. No. 73**) congratulating Amelia Cetrone, recipient of the Eva H. Smyth Award was jointly offered by Representatives Wong, Aduja, Akizaki, Amaral, A. Chong, W. Chong, Cobb, de la Cruz, R. Garcia, Iha, Kato, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Lee, Lunasco, Medeiros, Medina, Morioka, Nakama,

O'Connor, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Yamada, Yap, Yim, Young, Yuen and Beppu.

On motion by Representative Wong, seconded by Representative Uechi and carried, H. C. R. No. 73 was adopted.

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

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

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

S. B. No. 1729-74

On motion by Representative Yap, seconded by Representative Yuen S. B. No. 1729-74 passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Aduja, Ajifu and Amaral voting no and Representatives Kato and Yim being excused.

H. B. No. 2760-74

On motion by Representative Yap, seconded by Representative Yuen, H. B. No. 2760-74 passed Third Reading by a vote of 48 ayes, with Representatives Amaral, Kato and Yim being excused.

H. B. No. 2564-74

Representative Sakima moved that H. B. No. 2564-74 pass Third Reading, seconded by Representative Kishinami.

Representative Carroll rose and spoke against the bill as follows:

"Mr. Speaker, I rise to speak very briefly against the bill. This particular legislation will touch six persons, possibly one or two who may wish to remain on at the University. We do not have a mandatory retirement for our legislators. We have theoretically a fountain of knowledge in the University. We have few exceptional individuals who may wish to stay on. To impose a mandatory retirement is not, in effect, to give a benefit to those persons, but actually to harm them and impose a penalty for reaching in the age of 65. And it is for that reason that I rise to speak against the bill and would urge all members to vote no. Thank you."

The motion was put by the Chair and carried, and H. B. No. 2564-74 passed Third Reading by a vote of 39 ayes to 9 noes, with Representatives Aduja, Carroll, Cobb, A. Chong, Fong, R. Garcia, King, Roehrig and Yamada voting no and Representatives Amaral, Kato and Yim being excused.

H. B. No. 2329-74

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 2329-74 passed Third Reading by a vote of 48 ayes, with Representatives Amaral, Kato and Yim being excused.

H. B. No. 2623-74

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 2623-74 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Yim being excused.

H. B. No. 2199-74

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 2199-74 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Yim being excused.

H. B. No. 1430

On motion by Representative Suwa, seconded by Representative Akizaki, H. B. No. 1430 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Yim being excused.

H. B. No. 1136

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H. B. No. 1136 was recommitted to the Committee on Finance.

The Chair here directed the Clerk to note that S. B. No. 1729-74, H. B. Nos. 2760-74, 2564-74, 2329-74, 2623-74, 2199-74 and 1430 had passed Third Reading not earlier than 12:38 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 345-74 on H. B. No. 2506-74, deferred from March 27, 1974.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2506-74 passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Amaral, Ajifu, Carroll, J. Garcia, Poepoe, Saiki and Soares voting no and Representatives Kato and Yim being excused.

Stand. Com. Rep. No. 346-74 on H. B. No. 2618-74, deferred from March 27, 1974.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2618-74 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Yim being excused.

Stand. Com. Rep. No. 350-74 on H. B. No. 2491-74, deferred from March 27, 1974.

Representative Suwa moved that H. B. No. 2491-74 pass Third Reading, seconded by Representative Akizaki.

Representative Takamine rose, and speaking in favor of the bill, stated:

"Mr. Speaker, I rise to speak in favor of H. B. 2491, H. D. 1.

The purpose of this bill is to amend Act 197, Session Laws of Hawaii, Section 6, to allow greater flexibility in financing a program for the planning and development of North Kohala.

Act 197 authorized a comprehensive program for the economic development of the North Kohala area and the program has been initiated. Section 3 of the Act appropriates the sum of \$3,700,000 from general obligation bond funds of the State for the purposes of planning and development.

Mr. Speaker and members of this Honorable Body, this measure proposes to extend the lapse date from June 30, 1974 to June 30, 1975. I feel this Legislature deserves a report of progress made so far and that I should clear the air of some campaign rhetoric made criticizing the Kohala Task Force. (This being an election year.)

In 1971, the Legislature adopted H. C. R. 60, requesting Governor John A. Burns to "appoint an action task force to recommend a plan of action to save the Kohala Sugar Company, the community and to stimulate the growth and prosperity of the Kohala Sugar Company and the community."

In February, 1972, the Task Force submitted an interim report of the Legislature which recommended: (1) that the Kohala area retain its essentially agricultural character; (2) that a number of non-sugar ventures appeared feasible for the area; (3) reserved its recommendation on the future of sugar in Kohala pending receipt of a final economic feasibility study based on an integrated package of diversified activities and continued sugar production on a reduced acreage of prime sugar lands.

On March 6, 1972, the Kohala Task Force reported their recommendations to the Legislature. The Task Force unanimously recommended that:

(1) sugar production be continued in North Kohala as long as necessary to prevent

unemployment;

(2) monies be appropriated to provide flexible authorization to the Governor to expend such sums as may be necessary to prevent unemployment in North Kohala by maintaining sugar operations and/or assisting in the development of diversified ventures;

(3) the County of Hawaii appropriate \$1.8 million to be expended, in consultation with the Governor, for the purpose of preventing unemployment; and that

(4) the Kohala Task Force continue in existence to advise the Governor on the best means of preventing unemployment.

To assist the Task Force accomplish their objectives, the Legislature passed the following measures during the 1972 session:

(1) \$100,000 for feasibility studies of potential industries in North Kohala;

(2) \$3.7 million for the planning and development of North Kohala;

(3) \$850,000 for the development of an irrigation water system in North Kohala;

(4) increase in the Farm Loan Program and new Farmers Program;

(5) acquisition of private personal property by condemnation procedure; and

(6) made other appropriations including:

(a) \$500,000 for North Kohala historic preservation and restoration;

(b) \$5.7 million for the Kailua-Kawaihae Road;

(c) \$822,000 for the Hawi-Mahukona Road;

(d) \$175,000 for the North Kohala Civic Center.

The Task Force Report emphasized that the prevention of unemployment with its attendant problems and costs has been its primary motivation.

Here is a brief history of the labor situation at Kohala Sugar Company, now renamed Kohala Corporation:

March 1, 1971, the date of the announcement of the Kohala Sugar Company phase-out, there was a total of 522 employees: 90 non-bargaining employees; 430 bargaining unit employees; 2 temporary employees.

As of December 22, 1973, there was a total of 352 employees: 64 non-bargaining em-

ployees; 281 bargaining unit employees; 7 temporary employees. And on March 1, 1974, there was a total of 299 employees: 57 non-bargaining employees; 234 bargaining unit employees; 8 temporary employees. 223 former employees left the company by:

- (a) normal retirement
- (b) early retirement
- (c) quit without severance
- (d) early release with severance
- (e) died
- (f) discharged
- (g) disability termination
- (h) phased out — early retirement without severance
- (i) phased out — laid off with severance; or
- (k) employees in holding arrangement (those not taking severance recall rights).

These employees, took jobs in construction, Mauna Kea Beach Hotel, other industries in the area, working for the State and county. There are presently 22 persons unemployed.

The Task Force has approved the following projects:

(1) Historical site — Lapakahi-Kamehameha Park Development has 16 employees and may hire another 16. The State has appropriated \$500,000 and we got \$400,000 from the federal government.

(2) Kohala Nursery has 20 employees and may hire another 10. The State has committed \$667,000; the county \$333,000 and private sources, \$500,000.

(3) Kohala Grain has 9 employees.

(4) Feedwell has 2 employees and may hire another 5.

(5) Hawaii Biogenics, having their groundbreaking ceremonies this afternoon, has the possibility of employing 100 by the end of 1975. The State has committed \$677,000; the County \$333,000 and private sources, \$1,135,000.

(6) 200 acres has been set aside for an agricultural park; and

(7) The Task force is awaiting further information before approving the following additional projects: (a) Orchids Pacifica; (b) Tap Pryor's System Culture; and (3) plastics and jewelry manufacturing.

The Task Force has retained consultant Henry Alexander to make an economic feasibility and conceptual planning study to decide on the possibility of keeping sugar operation at a reduced size. The initial report made on March 14, 1974 was very encouraging, and the problems of adequate water and land were discussed at the Task Force meeting. Another report will be made tonight at Kohala to the Task Force.

The importance of saving Kohala Sugar and the Kohala community cannot be over-emphasized. The Task Force report of February 22, 1973 concludes: "Should the agricultural development plans of the Kohala Task Force succeed, we will have created the first well-planned and integrated center of diversified agriculture in the State. Such centers are needed in all of the counties of this State and therefore, our prototype work in Kohala will have statewide implications."

Mr. Speaker and members of this Honorable Body, the Kohala Task Force has done a tremendous job. I urge all of you to vote for the adoption of **H. B. No. 2491, H. D. 1** to enable the Kohala Task Force to continue greater flexibility in financing a program for the planning and development of North Kohala."

The motion to pass **H. B. No. 2491-74** on Third Reading was put by the Chair and carried, and **H. B. No. 2491-74** passed Third Reading by a vote of 49 ayes, with Representatives Kato and Yim being excused.

The Chair here directed the Clerk to note that **H. B. Nos. 2506-74, 2618-74 and 2491-74** had passed Third Reading not earlier than 12:48 o'clock p.m.

ADJOURNMENT

At 12:59 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, March 29, 1974.

FIFTY-FIRST DAY

Friday, March 29, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Thomas Choo, Associate Pastor of Saint Augustine's Church, after which the Roll was called showing all members present with the exception of Representatives Carroll, R. Garcia, Iha, Kato, Medina, Morioka, Nakama, Oda, Roehrig, Suwa, Takamine, Wong and Yap who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fiftieth Day.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Fiftieth Day was approved.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 69) transmitting copies of the report by Dr. Allen Schick entitled: "EVALUATION OF PPB IN HAWAII: ACT 185, SLH 1970 AND ITS IMPLEMENTATION," was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 60 to 64) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 60) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1517-74 and that Senate Bill No. 1517-74, as amended, passed Final Reading in the Senate on March 28, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Bill No. 1487-74, S. D. 1 entitled: "A Bill for an Act relating to the use of psychologists as consultants to the State court system," which passed Third Reading in the Senate on March 28, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 1789-74 entitled: "A Bill for an Act relating to district court judges," which passed Third Reading in the Senate on March 28, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 63) transmitting Senate Bill No. 2065-74 entitled: "A Bill for an Act relating to the termination of parental rights by the family courts," which passed Third Reading in the

Senate on March 28, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate Bill No. 2100-74, S. D. 1 entitled: "A Bill for an Act relating to escrows," which passed Third Reading in the Senate on March 28, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. Nos. 1487-74, S. D. 1; 1789-74; 2065-74 and 2100-74, S. D. 1 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATION

A communication from Howard Schirmer, Jr., President, Hawaii Section, American Society of Civil Engineers (Misc. Com. No. 37) urging the House to favorably consider Senate Bill Nos. 1402 and 1403, was read by the Clerk and was placed on file.

At this time, the Chair directed the Clerk to note the presence of Representatives R. Garcia, Kato, Medina, Suwa, Wong and Yap.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following bills were referred as follows:

S. B. No.	Referred to:
1487-74	Committee on Judiciary and Corrections
1789-74	Committee on Judiciary and Corrections, then to the Committee on Finance
2065-74	Committee on Judiciary and Corrections
2100-74	Committee on Consumer Protection

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 396-74) informing the House that House Resolution Nos. 458 to 462, House Concurrent Resolution No. 73 and Standing Committee Report Nos. 397-74 to 441-74 had been printed and distributed.

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

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 397-74) recommending that H. B. No. 2137-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and **H. B. No. 2137-74** passed Second Reading and was referred to the Committee on Finance.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 398-74**) recommending that **H. B. No. 358** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No. 358**, 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. 399-74**) recommending that **H. B. No. 2882-74** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2882-74**, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 400-74**) recommending that **H. B. No. 1711** pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Lee, seconded by Representative Wakatsuki and carried, the report of the majority of the Committee was adopted and **H. B. No. 1711**, as amended, entitled: "A Bill for an Act relating to the establishment of a Consumer Arbitration Board," passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 401-74**) recommending that **H. B. No. 2166-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Lee, seconded by Representative Wakatsuki and carried, the report of the majority of the Committee was adopted and **H. B. No. 2166-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (**Stand. Com. Rep. No. 402-74**) recommending that **H. B. No. 2785-74** pass Second Reading and be referred

to the Committee on Finance with certain amendments.

On motion by Representative Uechi, seconded by Representative Fong and carried, the report of the Committee was adopted and **H. B. No. 2785-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

At 11:10 o'clock a.m., on request by Representative Wasai, the Chair declared a recess, subject to the call of the Chair.

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

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 403-74**) recommending that **H. B. No. 1367** be referred to the Committee on Finance with certain amendments.

On motion by Representative Wasai, seconded by Representative Young and carried, **Stand. Com. Rep. No. 403-74** and **H. B. No. 1367** were recommitted to the Committee on Education.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 404-74**) recommending that **H. B. No. 296** be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 296** was referred to the Committee on Finance.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 405-74**) recommending that **H. B. No. 2985-74** pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 2985-74** passed Second Reading and was referred to the Committee on Finance.

Representative Akizaki, for the Committee on Legislative Management, presented a report (**Stand. Com. Rep. No. 406-74**) recommending that **H. R. No. 180** be referred to the Committee on Finance with certain amendments.

Representative Akizaki moved that action on **Stand. Com. Rep. No. 406-74** on **H. R. No. 180**, as amended, be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

At 11:12 o'clock a.m., on request by Representative Kato, the Chair declared a recess, subject to the call of the Chair.

At 11:13 o'clock a.m., the House of Representatives reconvened.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 407-74) recommending that H. B. No. 3018-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kato moved that action on Stand. Com. Rep. No. 407-74 on H. B. No. 3018-74, as amended, be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 408-74) recommending that H. B. No. 3095-74 pass Second Reading and be placed on the calendar for Third 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. 3095-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 409-74) recommending that H. B. No. 2635-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 409-74 on H. B. No. 2635-74, H. D. 1 was deferred until Monday, April 1, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2635-74, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 410-74) recommending that H. B. No. 3001-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 3001-74 passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 411-74) recommending that H. B. No. 2827-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2827-74 passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Yap, for the Committee on

Consumer Protection, presented a report (Stand. Com. Rep. No. 412-74) recommending that H. B. No. 2810-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2810-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Yap, for the majority of the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 413-74) recommending that H. B. No. 2796-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the majority of the Committee was adopted and H. B. No. 2796-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 414-74) recommending that H. B. No. 2787-74 pass Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 414-74 on H. B. No. 2787-74, as amended, was deferred until Monday, April 1, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2787-74, H. D. 2 were made available to the members of the House at 11:00 o'clock a.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 415-74) recommending that H. B. No. 866 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lee, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 866, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 416-74) recommending that H. B. No. 2062-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2062-74, as amended, passed Second Reading

and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 417-74) recommending that H. B. No. 2731-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2731-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 418-74) recommending that H. B. No. 2714-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 418-74 on H. B. No. 2714-74 was deferred until Monday, April 1, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2714-74 were made available to the members of the House at 11:00 o'clock a.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 419-74) recommending that S. B. No. 1573-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and S. B. No. 1573-74 passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 420-74) recommending that H. B. No. 2075-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2075-74 passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 421-74) recommending that H. B. No. 2720-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2720-74 passed Second Reading and was placed on the calendar for Third Reading on

Monday, April 1, 1974.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 422-74) recommending that H. B. No. 2674-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the majority of the Committee was adopted and H. B. No. 2674-74 passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 423-74) recommending that H. B. No. 2624-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2624-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 424-74) recommending that H. B. No. 2484-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2484-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 425-74) recommending that H. B. No. 2826-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lee, seconded by Representative Wong and carried, the report of the Committee was adopted and H. B. No. 2826-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Wasai, for the Committee on Education, presented a report (Stand. Com. Rep. No. 426-74) recommending that H. R. No. 154 be adopted with certain amendments.

Representative Wasai moved that action on Stand. Com. Rep. No. 426-74 on H. R. No. 154, as amended, be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Wasai, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 427-74) recommending that H. R. No. 333 be adopted.

Representative Wasai moved that action on Stand. Com. Rep. No. 427-74 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 428-74) recommending that H. C. R. No. 50 be adopted.

Representative Kawakami moved that action on Stand. Com. Rep. No. 428-74 on H. C. R. No. 50 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 429-74) recommending that H. B. No. 2784-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2784-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 430-74) recommending that H. B. No. 2968-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2968-74, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 431-74) recommending that H. B. No. 2599-74, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 2599-74, H. D. 1 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 432-74) recommending that H. B. No. 1378 be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded

by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1378, as amended, was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 433-74) recommending that H. B. No. 1102 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1102 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 434-74) recommending that H. B. No. 1548, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1548, H. D. 1 was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 435-74) recommending that H. B. No. 2923-74 be referred to the Committee on Water, Land Use and Development with certain amendments.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and H. B. No. 2923-74, as amended, was referred to the Committee on Water, Land Use and Development.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 436-74) recommending that H. B. No. 1387 be referred to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1387, as amended, was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 437-74) recommending that H. B. No. 1914, H. D. 1 be referred to the Committee on Water, Land Use and Development.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and H. B. No. 1914, H. D. 1 was referred to the Committee on Water, Land Use and Development.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 438-74) recommending that S. C. R. No. 26, S. D. 1 be referred to the Committee on Finance.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and S. C. R. No. 26, S. D. 1 was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 439-74) recommending that S. C. R. No. 2, S. D. 1 be referred to the Committee on Finance.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and S. C. R. No. 2, S. D. 1 was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 440-74) recommending that S. C. R. No. 3, S. D. 1 be referred to the Committee on Federal-State-County with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and S. C. R. No. 3, S. D. 1, as amended, was referred to the Committee on Federal-State-County.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 441-74) recommending that H. B. No. 2897-74 be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and H. B. No. 2897-74, as amended, was referred to the Committee on Judiciary and Corrections.

The Chair directed the Clerk to note that printed copies of H. B. Nos. 3095-74, H. D. 1; 3001-74; 2827-74; 2810-74, H. D. 1; 2796-74, H. D. 1; 866, H. D. 1; 2062-74, H. D. 1; 2731-74, H. D. 1; 2075-74; 2720-74; 2674-74; 2624-74, H. D. 1; 2484-74, H. D. 1; 2826-74, H. D. 1; 2784-74, H. D. 1; and 2968-74, H. D. 1; and S. B. No. 1573-74 were made available to the members of the House at 11:00 o'clock a.m.

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

Upon reconvening at 12:11 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Iha, Nakama and Oda.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Concurrent Resolution No. 51 extending happy birthday greetings to Governor John A. Burns, which was adopted by the Senate on March 29, 1974, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. C. R. No. 51 was adopted.

COMMITTEE REASSIGNMENTS

The following bills and resolution were re-referred as follows:

H. B. No.	re-referred to:
45	Committee on Public Health and Welfare
299	Committee on Water, Land Use and Development
465	Committee on Water, Land Use and Development
676	Committee on Judiciary and Corrections
692	Committee on Education
719	Committee on Consumer Protection
853	Committee on Housing
1281	Committee on Public Health and Welfare
1367	Committee on Education
1378	Committee on Higher Education
1447	Committee on Housing
1470	Committee on Water, Land Use and Development
2059-74	Committee on Housing
2060-74	Committee on Public Health and Welfare
2067-74	Committee on Judiciary and Corrections
2080-74	Committee on Judiciary and Corrections
2150-74	Committee on Water, Land Use and Development
2253-74	Committee on Water, Land Use and Development

2254-74	Committee on Water, Land Use and Development
2255-74	Committee on Water, Land Use and Development
2256-74	Committee on Water, Land Use and Development
2263-74	Committee on Water, Land Use and Development
2264-74	Committee on Water, Land Use and Development
2302-74	Committee on Transportation
2376-74	Committee on Water, Land Use and Development
2406-74	Committee on Agriculture
2482-74	Committee on Environmental Protection
2541-74	Committee on Housing
2544-74	Committee on Housing
2584-74	Committee on Judiciary and Corrections
2594-74	Committee on Judiciary and Corrections
2607-74	Committee on Consumer Protection
2626-74	Committee on Water, Land Use and Development
2631-74	Committee on Education
2688-74	Committee on Housing
2813-74	Committee on Labor and Public Employment
2894-74	Committee on Environmental Protection
2896-74	Committee on Tourism
2999-74	Committee on Consumer Protection
3005-74	Committee on Water, Land Use and Development
3052-74	Committee on Environmental Protection
S. B. No.	
855	Committee on Housing
H. R. No.	
442	Committee on Education

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 521

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 521** passed Third Reading by a vote 45 ayes, with Representatives Carroll, J. Garcia, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

H. B. No. 2467-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2467-74** passed Third Reading by a vote of 45 ayes, with Representatives Carroll, J. Garcia, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

H. B. No. 2704-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2704-74** passed Third Reading by a vote of 45 ayes, with Representatives Carroll, J. Garcia, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

H. B. No. 2756-74

Representative Wakatsuki moved that **H. B. No. 2756-74**, having been read throughout, pass Third Reading, seconded by Representative Kato.

Representative Aduja then rose and spoke against the bill as follows:

"Mr. Speaker, I believe that this bill has come about because of the gasoline shortage. But somehow it is rather unique because of the fact that it is contrary to the spirit of the drafters of the Penal Code. As you will notice on the committee report, it states that the purpose of this bill is to make theft of gasoline, regardless of the value, and I think that because of it, it is considered a Class C felony and the sentence is five years imprisonment, \$5,000 fine, or both. I believe that the sentence and the fine do not fit the crime. I, therefore, will vote against this bill."

The motion to pass **H. B. No. 2756-74** on Third Reading was put by the Chair and carried by a vote of 40 ayes to 6 noes, with Representatives Aduja, Cobb, R. Garcia, King,

Leopold and Wasai voting no and Representatives Carroll, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

S. B. No. 1702-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **S. B. No. 1702-74** passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

H. B. No. 2272-74

On motion by Representative Wasai, seconded by Representative Young and carried, **H. B. No. 2272-74, H. D. 1** was recommitted to the Committee on Education.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 389-74 on H. B. No. 193, H. D. 1, deferred from March 28, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 193, H. D. 1**, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

Stand. Com. Rep. No. 390-74 on H. B. No. 2617-74, deferred from March 28, 1974:

Representative Suwa moved that the report of the Committee be adopted and **H. B. No. 2617-74**, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, the purpose of this bill is to amend the Unemployment Compensation Law to insure the solvency of the State fund from which all unemployment benefits are paid. Money for this fund is paid by all employers.

There are three schedules used in determining how much each employer has to pay and the most important one, of course, is Schedule 1 and I won't go into the others here. The relationship of the current reserve and the adequate reserve is what determines which schedule is used. But the main point is that, at the present, if the amount in the fund is between \$13-\$15 million under Schedule 1, Schedule 1 is used. The amount taxed is up to 1½ percent but never does any employer pay more than 3 percent of their taxable payroll. If it falls below the present \$13 million trigger point, then all employers across the board must pay 3 percent of the taxable payroll in order to keep the fund solvent. So what this bill does is:

Point 1. Change the figure from 13 to 15 to 15 to 20 millions of dollars. So if the fund drops to \$15 million instead, the employer will pay a flat rate of 3 percent of their taxable payroll, thus protecting solvency of the fund.

The other point that this bill does, Mr. Speaker, is to make the employers' contribution rate adjustable on a quarterly basis more responsive instead of the annual basis as there is more demand on this fund.

In conclusion, Mr. Speaker, I am very happy to report that labor management, labor and the administration all agree that this bill is a good bill. This being one of the most important labor bills coming out of this session here, I ask all members to vote in favor of it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2617-74** passed Third Reading by a vote 46 ayes, with Representatives Carroll, Kawakami, Roehrig, Takamine and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 521, 2467-74, 2704-74, 2756-74, 193 and 2617-74** and **S. B. No. 1702-74** had passed Third Reading not earlier than 12:12 o'clock p.m.

DEFERRED MATTERS FROM

EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 406-74 (H. R. No. 180, H. D. 1):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the referral of **H. R. No. 180**, as amended, to the Committee on Finance was waived.

On motion by Representative Akizaki, seconded by Representative Kishinami and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. R. No. 180**, as amended, was adopted.

Stand. Com. Rep. No. 407-74 (H. B. No. 3018-74, H. D. 1):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the referral of **H. B. No. 3018-74**, as amended, to the Committee on Finance was waived.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 3018-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

The Chair directed the Clerk to note that printed copies of **H. B. No. 3018-74, H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

Stand. Com. Rep. No. 426-74 (H. R. No. 154, H. D. 1):

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. R. No. 154**, as amended, entitled: "House Resolution requesting the Department of Education and the Hawaii State Teachers Association to work together and resolve the problem of the supervision of students during nonschool hours," was adopted.

Stand. Com. Rep. No. 427-74 (H. R. No. 333)

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the majority of the Committee was adopted and **H. R. No. 333** was adopted.

Stand. Com. Rep. No. 428-74 (H. C. R. No. 50):

On motion by Representative A. Chong, seconded by Representative Lee and carried, the report of the Committee was adopted and **H. C. R. No. 50** was adopted.

RECONSIDERATION OF

ACTION TAKEN

Representative Lunasco moved that the House reconsider its action taken earlier in adopting **Stand. Com. Rep. No. 435-74 on H. B. No. 2923-74, H. D. 1**, and referring said bill to the Committee on Water, Land Use and Development, seconded by Representative R. Garcia and carried.

On motion by Representative A. Chong, seconded by Representative Kato and carried, the referral of **H. B. No. 2923-74, H. D. 1** to the Committee on Water, Land Use and Development was waived.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 2923-74, H. D. 1** passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 1974.

The Chair directed the Clerk to note that printed copies of **H. B. No. 2923-74, H. D. 1** were made available to the members of the House at 11:00 o'clock a.m.

At this time, Representative J. Garcia rose on a point of inquiry and stated:

"Mr. Speaker, in view of the fact that, today, we have had two waiving of referrals on the floor of the House, is there any idea from the majority leadership as to how many more referrals we can expect on such a beautiful day like Monday?"

Representative O'Connor responded:

"Mr. Speaker, the referrals that were made today were made solely out of the Finance Committee in order to enable the Committee Chairman to move bills which contain appropriations within the allocation made to them from the individual committees on the floor. These were made specifically at the request of the Committee on Finance and I don't believe, Mr. Speaker, that any further referrals are intended to be made in that area."

Representative J. Garcia continued:

"Mr. Speaker, I appreciate the remarks made by the Majority Leader, but I do wish to point out that the last waiving of referral that was made was actually from the Committee on Federal, State and County Relations to the Committee on Water, Land Use and Development, and I am just wondering how many more waivers we might have along that line."

Representative O'Connor replied:

"Mr. Speaker, we will simply have to wait and see. Each individual bill may or may not be waived by the second committee to which it has been referred as the matter comes to the floor. So, each bill will have to be examined separately."

Representative Wong then rose on a point of personal privilege and stated:

"Mr. Speaker, I want this Honorable Body and also the record to note that, last night, your Committee on Energy did meet to discuss the report. The meeting, as far as I was concerned, was not closed. There was a media representatives there from KHVH radio and he did review the committee report with the stipulation that the thing would not be reported by radio and he agreed to those terms.

Mr. Speaker, I just want to make it very clear that it was my feeling as Chairman of the Committee that this information was, first of all, in the purview of your Committee and I thought it would be improper for any kind of reporting to take place since the report had not been submitted to the members of this House. Until such time as that report comes out, I think all access to the media is wide open. I want to make this very clear, Mr. Speaker, so that no misunderstanding occurs.

Thank you very much, Mr. Speaker.”

The Chair then made an announcement as follows:

“Have your committee reports out this afternoon or tomorrow. Tomorrow is Saturday, but get your committee reports out. Don't wait until Monday and I want all mem-

bers to be available for signatures this afternoon and tomorrow, Saturday.”

ADJOURNMENT

At 12:27 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. Monday, April 1, 1974.

FIFTY-SECOND DAY

Monday, April 1, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Donald B. Kennedy, Pastor of Pearl Harbor First Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Carroll, Iha, Kuni-mura, Lee, Nakama, O'Connor, Poepoe, Roeh-rig, Suwa and Wedemeyer who were excused.

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

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

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 70) transmitting the report of the Department of Personnel Services with regard to the resumption of the classification survey of clerical positions was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 66 to 71) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 66) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1733-74, S. D. 1 and that Senate Bill No. 1733-74, S. D. 1, as amended, passed Final Reading in the Senate on March 29, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 67) returning House Concurrent Resolution No. 73 which was adopted by the Senate on March 29, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 68) returning House Bill No. 2222-74 which passed Third Reading in the Senate on March 29, 1974 was placed on file.

A communication from the Senate (Sen. Com. No. 69) returning House Bill No. 2065-74, H. D. 1 which passed Third Reading in the Senate on March 29, 1974, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 70) returning House Bill No. 2440-74, H. D. 1 which passed Third Reading in the Senate on March 29, 1974, in an amended form, was placed on file.

By unanimous consent, H. B. Nos. 2065-74, H. D. 1 and 2440-74, H. D. 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2065-74, H. D. 1, S. D. 1 and 2440-74, H. D. 1, S. D. 2, were made available to the members of the House at 11:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 71) transmitting Senate Bill No. 1844-74 entitled: "A Bill for an Act relating to employment practices," which passed Third Reading in the Senate on March 29, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. No. 1844-74 passed First Reading by title and further action was deferred until later in the calendar.

ORDER OF THE DAY

COMMITTEE REFERRALS

S. B. No. 1844-74 was referred to the Committee on Labor and Public Employment.

COMMITTEE REASSIGNMENT

H. B. No. 520 was re-referred solely to the Committee on Consumer Protection.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 442-74) informing the House that Standing Committee Report Nos. 443-74 to 479-74 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. 443-74) recommending that H. R. No. 68 be referred to the Committee on Finance with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and H. R. No. 68, as amended, was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 444-74) recommending that S. C. R. No. 27, S. D. 1 be referred to the Committee on Finance.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and S. C. R. No.

27, S. D. 1 was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 445-74) recommending that H. R. No. 431 be referred to the Committee on Finance with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and H. R. No. 431, as amended, was referred to the Committee on Finance.

Representative King, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 446-74) recommending that H. C. R. No. 70 be referred to the Committee on Finance with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and H. C. R. No. 70, as amended, was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 447-74) recommending that H. R. No. 275 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. R. No. 275 was referred to the Committee on Finance.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 448-74) recommending that H. B. No. 2682-74, H. D. 1 pass Second Reading and be referred to the Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2682-74, H. D. 1, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 449-74) recommending that H. B. No. 2843-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2843-74, as amended, passed Second Reading and was referred to the Committee on Finance.

At 11:08 o'clock a.m., on request by Representative Medeiros, the Chair declared a recess,

subject to the call of the Chair.

At 11:19 o'clock a.m., the House of Representatives reconvened.

The Chair here directed the Clerk to note the presence of Representatives Kunimura, Nakama, Suwa, Lee and O'Connor.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 450-74) recommending that S. C. R. No. 28 be referred to the Committee on Water, Land Use and Development.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and S. C. R. No. 28 was referred to the Committee on Water, Land Use and Development.

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

At 11:23 o'clock a.m., the House of Representatives reconvened.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 451-74) recommending that H. B. No. 2300-74 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the referral of H. B. No. 2300-74 to the Committee on Finance was waived.

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, H. B. No. 2300-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 452-74) recommending that H. B. No. 2187-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 453-74) recommending that H. B. No. 2863-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 454-74) recommending that H. B. No. 2841-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 455-74) recommending that H. B. No. 2862-74 pass Third Reading.

Representative Yap, for the Committee on

Consumer Protection, presented a report (Stand. Com. Rep. No. 456-74) recommending that H. B. No. 2892-74 pass Third Reading.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 457-74) recommending that H. B. No. 2928-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 452-74 through 457-74 on H. B. Nos. 2187-74, 2863-74, 2841-74, 2862-74, 2892-74 and 2928-74, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2187-74, 2863-74, 2841-74, 2862-74, 2892-74 and 2928-74 were made available to the members of the House at 11:00 o'clock a.m.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 458-74) recommending that H. B. No. 2567-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and H. B. No. 2567-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Lunasco, for the Committee on Federal-State-County, presented a report (Stand. Com. Rep. No. 459-74) recommending that S. B. No. 1741-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lunasco, seconded by Representative Suwa and carried, the report of the Committee was adopted and S. B. No. 1741-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 460-74) recommending that H. B. No. 2229-74 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Nakama, seconded by Representative Morioka and carried, the report of the Committee was adopted and H. B. No. 2229-74, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Nakama, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 461-74) recommending that H. B. No. 2983-74 pass Second Reading and be referred to the Committee on Consumer Protection with certain amendments.

On motion by Representative Nakama, seconded by Representative Morioka and carried, the report of the Committee was adopted and H. B. No. 2983-74, as amended, passed Second Reading and was referred to the Committee on Consumer Protection.

Representative Nakama, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 462-74) recommending that H. B. No. 2979-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakama, seconded by Representative Morioka and carried, the report of the Committee was adopted and H. B. No. 2979-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 463-74) recommending that H. B. No. 2084-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2084-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 464-74) recommending that H. B. No. 2999-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2999-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 465-74) recommending that H. B. No. 2878-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2878-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 466-74) recommending that H. B. No. 45, H. D. 2 pass Third Reading.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 467-74) recommending

that **H. B. No. 2060-74, H. D. 1** pass Third Reading with certain amendments.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 468-74**) recommending that **H. B. No. 2915-74, H. D. 1** pass Third Reading with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. Nos. 466-74 through 468-74 on H. B. Nos. 45, H. D. 2, 2060-74, H. D. 2 and 2915-74, H. D. 2**, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. Nos. 45, H. D. 2, 2060-74, H. D. 2 and 2915-74, H. D. 2** were made available to the members of the House at 11:00 o'clock a.m.

Representative Kato, for the majority of the Committee on Public Health and Welfare, presented a report (**Stand. Com. Rep. No. 469-74**) recommending that **S. B. No. 218, S. D. 2** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the majority of the Committee was adopted and **S. B. No. 218, S. D. 2** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 470-74**) recommending that **H. B. No. 2872-74** pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. No. 470-74 on H. B. No. 2872-74** was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2872-74** were made available to the members of the House at 11:00 o'clock a.m.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 471-74**) recommending that **H. B. No. 3015-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the majority of the Committee was adopted and **H. B. No. 3015-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 472-74**) recommending that **H. B. No. 2191-74** pass Second Reading and be placed on the calendar

for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2191-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 473-74**) recommending that **H. B. No. 2482-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2482-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep. No. 474-74**) recommending that **H. B. No. 104, H. D. 1** pass Third Reading with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. No. 474-74 on H. B. No. 104, H. D. 1**, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 104, H. D. 2** were made available to the members of the House at 11:00 o'clock a.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 475-74**) recommending that **H. B. No. 2372-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2372-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative King, for the Committee on Environmental Protection, presented a report (**Stand. Com. Rep. No. 476-74**) recommending that **H. B. No. 2894-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative King, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2894-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep.**

No. 477-74) recommending that H. B. No. 865 pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. No. 477-74** on H. B. No. 865 was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 865 were made available to the members of the House at 11:00 o'clock a.m.

Representative Sakima, for the Committee on Higher Education, presented a report (**Stand. Com. Rep. No. 478-74**) recommending that H. B. No. 1547 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1547 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (**Stand. Com. Rep. No. 479-74**) recommending that H. B. No. 1320, H. D. 1 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 1320, H. D. 1 was referred to the Committee on Finance.

The Chair here directed the Clerk to note that printed copies of H. B. No. 2300-74, 2567-74, H. D. 1, S. B. No. 1741-74, H. B. Nos. 2979-74, 2084-74, 2999-74, 2878-74, S. B. No. 218, S. D. 2, H. B. Nos. 3015-74, H. D. 1, 2191-74, H. D. 1, 2482-74, H. D. 1, 2372-74, H. D. 1 and 2894-74, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

At 11:29 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:55 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Carroll and Poepoe.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the rules were suspended for the purpose of taking up 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:

H. B. No. 3018-74

Representative Kato moved that H. B. No.

3018-74 pass Third Reading, seconded by Representative Sakima.

Representative Yuen, rising to speak in favor of the bill, stated the following:

"Mr. Speaker, with your permission, I would like to speak in favor of the H. B. No. 3018-74.

Under the present law, there is no specific provision for children's mental health services. As a result, there has been a lack of specialized services for the emotionally and mentally ill children of our State.

Mr. Speaker, the situation is disgraceful when you consider that there are 27,000 children in need of mental health services in our State, but at most only 5,000 children are being seen by private and public organizations. At the present time within the Department of Health are only one certified psychiatrist and one child specialist. Therefore, to expect them to take care of the psychiatric needs of our children in the entire State is simply impossible.

Mr. Speaker, this bill provides for the establishment of community center areas (Diamond Head, Kalihi-Palama, Leeward Oahu, Central Oahu, Windward Oahu, Hilo, Wailuku and Lihue) and in each said area there will be a children's team composed of five members: a psychiatrist, a psychologist, educational therapist and two stenos. The team would provide direct services, deep therapeutic psychiatric treatments and consultation workshops with the teachers.

Within the workshops, the educational therapist would work with teachers to help them identify their own hangups as far as handling children with mental health problems and in learning to identify the child in the classroom with emotional or mental problems.

Mr. Speaker, the Department of Education estimates the prevalence of emotional problems on any given day in the schools to be around 12 percent of total school population — problems ranging from those of a transient nature to psychosis.

This Bill also establishes a children's services branch within the Department of Health which shall provide training to the local community mental health centers as well as highly specialized backup services for children who cannot be treated at the community level. The branch shall include a preschool section, an elementary section, intermediate and adolescent section. Within this children's mental health branch, the Department would employ personnel adequately qualified by training and experience to direct, supervise and provide the kinds

of services specified.

Therefore, Mr. Speaker, I urge all my colleagues to vote in favor of this bill. Thank you, Mr. Speaker."

The motion to pass **H. B. No. 3018-74** on Third Reading was put by the Chair and was carried by a vote of 45 ayes, with Representatives Carroll, Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 3095-74

Representative Suwa moved that **H. B. No. 3095-74** pass Third Reading, seconded by Representative Akizaki.

Representative Cobb rose and stated:

"Mr. Speaker, just one short note of congratulations to the Finance Chairman for helping to make our job easier with this bill. Thank you."

The motion was put by the Chair and carried and **H. B. No. 3095-74** passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 3001-74

Representative Yap moved that **H. B. No. 3001-74** be recommitted to the Committee on Consumer Protection, and the Chair, noting no objection, so ordered.

H. B. No. 2827-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2827-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2810-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2810-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2796-74

On motion by Representative Yap, seconded by Representative Yuen and carried, **H. B. No. 2796-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 866

On motion by Representative Lee, seconded by Representative Takamine and carried, consideration of **H. B. No. 866** was deferred until

tomorrow, April 2, 1974.

H. B. No. 2062-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 2062-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2731-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 2731-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

S. B. No. 1573-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **S. B. No. 1573-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2075-74

Representative Wakatsuki moved that **H. B. No. 2075-74** pass Third Reading, seconded by Representative Kato.

Representative Kunimura rose to speak in favor of the bill:

"Mr. Speaker, I am going to vote for this bill because it is a little better than what we have. But I feel that this bill hasn't gone far enough. As far as I'm concerned, any crime of extortion should have life imprisonment."

The motion was put by the Chair and **H. B. No. 2075-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2720-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2720-74** passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2674-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2674-74** passed Third Reading by a vote of 41 ayes to 5 noes, with Representatives Aduja, Ajifu, A. Chong, Fong and Leopold voting no and Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2624-74

On motion by Representative Wakatsuki, sec-

onded by Representative Kato, H. B. No. 2624-74 passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2484-74

On motion by Representative Wakatsuki, seconded by Representative Kato, H. B. No. 2484-74 passed Third Reading by a vote of 46 ayes, with Representatives Iha, Roehrig, Soares, Uechi and Wedemeyer being excused.

H. B. No. 2826-74

On motion by Representative Lee, seconded by Representative Takamine, H. B. No. 2826-74 passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Soares and Wedemeyer being excused.

H. B. No. 2784-74

On motion by Representative Kawakami, seconded by Representative A. Chong, H. B. No. 2784-74 passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Soares and Wedemeyer being excused.

H. B. No. 2968-74

On motion by Representative Yap, seconded by Representative Yuen, H. B. No. 2968-74 passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Soares and Wedemeyer being excused.

H. B. No. 2923-74

Representative Lunasco moved that consideration of H. B. No. 2923-74 be deferred until the end of the calendar, and the Chair, noting no objection, so ordered.

The Chair here directed the Clerk to note that H. B. Nos. 3018-74, 3095-74, 2827-74, 2810-74, 2796-74, 2062-74, 2731-74, S. B. No. 1573-74, H. B. Nos. 2075-74, 2720-74, 2674-74, 2624-74, 2484-74, 2826-74, 2784-74 and 2968-74 had passed Third Reading not earlier than 1:04 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 409-74 on H. B. No. 2635, deferred from March 29, 1974.

On motion by Representative Yap, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2635-74 passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Soares and Wedemeyer being excused.

Stand. Com. Rep. No. 414-74 on H. B. No. 2787-74, as amended, deferred from March 29, 1974.

Representative Uechi moved that the report of the Committee be adopted and that H. B. No.

2787-74 entitled: "A Bill for an Act relating to improving the organization and coordination of agriculture programs and programs related to agriculture," pass Third Reading, seconded by Representative Kihano.

Representative Leopold, rising to speak against the bill, stated:

"It is ironic that while the Governor's own Commission on Revenues and Expenditures is meeting on the fifth floor to streamline government operation and realize greater efficiency in public service we on the chamber level are busily doing exactly the opposite. Specifically, this bill, under the guise of making the State agricultural programs more efficient, in fact simply proposes more layers of bureaucracy for industry and the individual farmer to wade through. If this Honorable Body is sincerely interested in doing something about improving the organization and coordination of agricultural program, it should quit overloading the Governor with special assistance and coordinating committees and instead put into effect a statewide planning and policy office. This would not only preclude the need for still more agricultural coordinators, but will spare the Legislature the necessity of repeating the same duplicating process in future sessions with respect to tourism, housing and any other problem area that might come up.

Mr. Speaker, it is no secret that there is an inordinate amount of waste and inefficiency in our State government. The bill before us is a perfect example of why the State is in such a management mess today, with governmental spending at an all-time high and governmental efficiency at an all-time low."

Representative R. Garcia rose to speak in favor of the bill as follows:

"Mr. Speaker, the primary impetus behind this bill is to provide a coordinated effort in the office of the Governor. I think the Committee report spells this out quite clearly the reason for this, and that is that the authority and the responsibilities of this office have not been clearly defined by statute. And that is the reason why the Agriculture Committee feels it is necessary at this time to establish this position and to provide the powers included in the bill. That is why, Mr. Speaker, we should vote for this particular measure in order to increase the effectiveness of the agricultural program in this State. Thank you."

Representative O'Connor, rising to speak in favor of the measure, stated:

"Mr. Speaker, anyone who has reviewed the State statutes having to do with the

Board of Agriculture and the Department of Agriculture, realizes at once that we need very desperately in this State a central coordinating activity for agricultural problems. Too many problems are being handled by other departments, including the DPED and others, which have nothing to do with the Department of Agriculture.

Therefore, it's mandatory that somewhere in our governmental regime there is one body or one individual who is himself responsible for agricultural situations. Therefore, the consultant to the Governor which was proposed by **House Bill No. 2787** is the mandatory solution to the problems which have been created by the statutory enactments to date having to do with the Department of Agriculture and the Board. This individual will coordinate the activities of all departments having to do with agriculture. And this individual will be able to present to the Legislature a cohesive, single solution to our agricultural problems, rather than having them come piecemeal from many different departments. Therefore, Mr. Speaker, it is mandatory that we have such an individual and this individual work directly with the Governor. As a matter of fact, Mr. Speaker, I believe it is too late that this individual be put into office in January of 1975. We should have had someone of this stature, with this sort of responsibility many years ago rather than the situation that exists today. I urge all to vote for this bill."

Representative Leopold again rose and stated:

"Yes, Mr. Speaker, I'd like to point out that there is a position established by our State Constitution to help coordinate our State governmental departments. This position is the administrative director position under our Governor. It has remained vacant."

The motion to pass **H. B. No. 2787-74**, as amended, on Third Reading was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2787-74**, as amended, passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Aduja, Ajifu, Amaral, Carroll, W. Chong, Kawakami, Kuni-mura, Leopold, Soares and Wakatsuki voting no and Representatives Iha, Roehrig and Wedemeyer being excused.

Stand. Com. Rep. No. 418-74 on **H. B. No. 2714-74**, deferred from March 29, 1974.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2714-74** passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Soares and Wedemeyer being excused.

The Chair here directed the Clerk to note that **H. B. Nos. 2635-74, 2787-74** and **2714-74** had passed Third Reading not earlier than 1:11 o'clock p.m.

At 1:12 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 1:14 o'clock p.m., the House of Representatives reconvened.

DEFERRED MATTERS FROM EARLIER IN THE CALENDAR

H. B. No. 2923-74, H. D. 1:

Representative Lunasco moved that **H. B. No. 2923-74** pass Third Reading, seconded by Representative Suwa.

Representative Lunasco then offered the following amendment to **H. B. No. 2923-74, H. D. 1:**

"**H. B. 2923-74, H. D. 1** is amended by amending Sec. 46- (a) of Section 1 to read as follows:

SECTION 1. Chapter 46, HRS, is hereby amended by adding thereto a new section to be appropriately numbered by the Revisor of Statutes and to read as follows:

Sec. 46 . Emergency powers for Mayor.
(a) Emergency. In any county where the population exceeds one hundred thousand the mayor may declare emergencies when the peace, life, property, health, safety, or morals of the community are endangered. Upon the declaration of an emergency, the mayor may, by executive order, take or order the taking of any appropriate action not otherwise prohibited by law to meet the emergency which shall include any state of affairs or circumstances which imperils the public health, safety, or welfare of the residents of such county. Every emergency action, directive or order pursuant to this section shall automatically stand repealed as of the one hundred and twenty-first day following the date of the executive order."

Representative Lunasco moved that the amendment be adopted, seconded by Representative Suwa.

Representative Lunasco then explained the amendment by stating:

"Mr. Speaker, what this amendment does is bring the mayor's powers under this bill in conformity with the governor's powers. Presently, the way the bill is worded, the city and county or the mayor of the City and County of Honolulu would have broader powers than the governor of Hawaii. So, what this amendment does is just to con-

form to the governor's powers."

The motion was put by the Chair and carried, and the amendment was adopted.

By unanimous consent, further action of **H. B. No. 2923-74, H. D. 1**, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2923-74, H. D. 2** were made available to the members of the House at 1:15 o'clock p.m.

At 1:16 o'clock p.m., on request by Representative Wakatsuki, the Chair declared a recess, subject to the call of the Chair.

At 1:22 o'clock p.m., the House of Representatives reconvened.

COMMITTEE REASSIGNMENTS

H. B. No. 2971-74 was re-referred solely to the Committee on Public Health and Welfare.

H. B. No. 2378-74 was re-referred solely to the Committee on Public Health and Welfare.

H. B. No. 2977-74 was re-referred solely to the Committee on Public Health and Welfare.

H. B. No. 2245-74 was re-referred solely to the Committee on Consumer Protection.

At 1:45 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 9:00 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives of the Seventh Legislature of the State of Hawaii reconvened at 9:17 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Lee moved that the House reconsider its action on **H. B. No. 866, H. D. 1**, seconded by Representative Takamine and carried.

Representative Lee then offered the following amendment to **H. B. No. 866, H. D. 1**:

"SECTION 1. **H. B. No. 866, H. D. 1**, is amended by:

(1) Amending SECTION 1, page 1, at line 8 by inserting the following clause between the words 'be' and 'appointed': 'nominated and, by and with the advice and consent of the Senate,'

(2) Adding a new SECTION 2 to read as follows:

'SECTION 2. Any confirmation made by the Senate during the 1974 session to the Hawaii Public Employment Relations Board shall be deemed to be made in accordance with this Act and the term of such member shall be adjusted without the necessity of reconfirmation.'

(3) Renumbering SECTIONS 2 and 3 as SECTIONS 3 and 4."

Representative Lee moved that the amendment be adopted, seconded by Representative Takamine.

Representative Lee then explained the purpose of the amendment stating:

"It's a technical difference of opinion between attorneys I guess here. Originally, basically the bill was very simple. It was just to change the effective date of appointment of members of the HPERB Committee. So, all this does is make it explicit so that members who are appointed shall be explicitly subject to nomination, advice and consent of the Senate. Furthermore, we've added a new section here to again further confirm the intent of this legislation."

At 9:20 o'clock p.m., on request by Representative Ushijima, the Chair declared a recess, subject to the call of the Chair.

At 9:21 o'clock p.m., the House of Representatives reconvened.

The motion to adopt the amendment was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on **H. B. No. 866, H. D. 1**, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 866, H. D. 2** were made available to the members of the House at 9:00 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 480-74**) recommending that **H. B. No. 2241-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2241-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 481-74) recommending that H. B. No. 2374-74 pass Second Reading and be placed on the calendar for Third 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. 2374-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

At 9:23 o'clock p.m., on request by Representative Kihano, the Chair declared a recess, subject to the call of the Chair.

At 9:25 o'clock p.m., the House of Representatives reconvened.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 482-74) recommending that H. B. No. 2799-74 pass Second Reading and be referred to the Committee on Finance.

By unanimous consent, the referral of H. B. No. 2799-74 to the Committee on Finance was waived.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H. B. No. 2799-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 483-74) recommending that H. B. No. 3024-74 pass Second Reading and be referred to the Committee on Finance.

By unanimous consent, the referral of H. B. No. 3024-74 to the Committee on Finance was waived.

On motion by Representative Yap, seconded by Representative Kihano and carried, the report of the majority of the Committee was adopted and, notwithstanding the recommendation of the Committee, H. B. No. 3024-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 484-74) recommending that H. B. No. 2589-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2589-74, as amended, passed Second Reading

and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

At this time, the Chair directed the Clerk to note that printed copies of H. B. Nos. 2241-74, H. D. 1 and 2374-74, H. D. 1 were made available to the members of the House at 3:20 o'clock p.m. and H. B. Nos. 2799-74, 3024-74 and 2589-74, H. D. 1-at 6:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 485-74) recommending that H. B. No. 570, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 486-74) recommending that H. B. No. 3096-74, H. D. 1 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 487-74) recommending that H. B. No. 2599-74, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 488-74) recommending that H. B. No. 2864-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 489-74) recommending that H. B. No. 2865-74, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 490-74) recommending that H. B. No. 2137-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 491-74) recommending that H. B. 2226-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 492-74) recommending that H. B. No. 563 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 493-74) recommending that H. B. No. 1548, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 494-74) recommending that H. B. No. 2981-74, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 495-74) recommending that H. B. No. 2846-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep.

No. 496-74) recommending that H. B. No. 3037-74, H. D. 1 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 497-74) recommending that H. B. No. 2953-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 498-74) recommending that H. B. No. 2747-74, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 499-74) recommending that H. B. No. 2801-74 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 500-74) recommending that H. B. No. 2352-74, H. D. 1 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 501-74) recommending that H. B. No. 2709-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 485-74 through 501-74 on H. B. Nos. 570, H. D. 1, 3096-74, H. D. 2, 2599-74, H. D. 1, 2864-74, 2865-74, H. D. 1, 2137-74, 2226-74, 563, 1548, H. D. 1, 2981-74, H. D. 1, 2846-74, 3037-74, H. D. 2, 2953-74, 2747-74, H. D. 1, 2801-74, 2352-74, H. D. 1 and 2709-74, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 570, H. D. 1, 3096-74, H. D. 2, 2599-74, H. D. 1, 2864-74, 3037-74, H. D. 2, 2953-74, 2747-74, H. D. 1, 2801-74, 2352-74, H. D. 1 and 2709-74 were made available to the members of the House at 6:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 502-74) recommending that H. B. No. 2917-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2917-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 503-74) recommending that H. B. No. 2312-74 pass Second Reading and be placed on the calendar for Third 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. 2312-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 504-74) recommending that H. B. No. 2584-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2584-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kawakami, for the majority of the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 505-74) recommending that H. B. No. 465 pass Third Reading.

Representative Wasai, for the Committee on Education, presented a report (Stand. Com. Rep. No. 506-74) recommending that H. B. No. 2498-74, H. D. 1 pass Third Reading.

Representative Iha, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 507-74) recommending that H. B. No. 2302-74, H. D. 1 pass Third Reading.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 508-74) recommending that H. B. No. 342, H. D. 1 pass Third Reading.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 509-74) recommending that H. B. No. 1281, H. D. 1 pass Third Reading.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 510-74) recommending that H. B. No. 2688-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 505-74 through 510-74 on H. B. Nos. 465, 2498-74, H. D. 1, 2302-74, H. D. 1, 342, H. D. 1, 1281, H. D. 1 and 2688-74, H. D. 1, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 465, 2498-74, H. D. 1, 2302-74, H. D. 1, 342, H. D. 1, 1281, H. D. 1 and 2688-74, H. D. 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 511-74) recommending that H. B. No. 520 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 520, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 512-74) recommending that H. B. No. 2651-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2651-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Medina, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 513-74) recommending that H. B. No. 2896-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Medina, seconded by Representative Yap and carried, the report of the Committee was adopted and H. B. No. 2896-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514-74) recommending that H. B. No. 2455-74, H. D. 1 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 515-74) recommending that H. B. No. 445 pass Third Reading with certain amendments.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 516-74) recommending that H. B. No. 1387, H. D. 2 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 517-74) recommending that H. B. No. 358, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 514-74 through 517-74 on H. B. Nos. 2455-74, H. D. 2, 445, H. D. 1, 1387, H. D. 2 and 358, H. D. 1, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2455-74, H. D. 2, 445, H. D. 1, 1387, H. D. 2 and 358, H. D. 1 were made available to the members of the House at 8:15 o'clock p.m.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 518-74) recommending that H. B. No. 2738-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2738-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the majority of the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 519-74) recommending that H. B. No. 2738-74 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the majority of the Committee was adopted and H. B. No. 3026-74 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 520-74) recommending that H. B. No. 2378-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2378-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 521-74) recommending that H. B. No. 2971-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2971-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 522-74) recommending that H. B. No. 2977-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 2977-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kato, for the Committee on Public Health and Welfare, presented a report (Stand. Com. Rep. No. 523-74) recommending that H. B. No. 3048-84 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and H. B. No. 3048-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 524-74) recommending that H. B. No. 2626-74, H. D. 1 pass Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 525-74) recommending that H. B. No. 2376-74 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 526-74) recommending that H. B. No. 2256-74 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 527-74) recommending that H. B. No. 2276-74, H. D. 1 pass Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 528-74) recommending that H. B. No. 2263-74 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 529-74) recommending that H. B. No. 2264-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 524-74 through 530-74 on H. B. Nos. 2626-74, H. D. 2, 2376-74, 2256-74, 2276-74, H. D. 2, 2263-74 and 2264-74 was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2626-74, H. D. 2, 2376-74, 2256-74, 2276-74, H. D. 2, 2263-74 and 2264-74 were made available to the members of the House at 8:35 o'clock p.m.

Representative Wasai, for the Committee on Education, presented a report (Stand. Com. Rep. No. 530-74) recommending that H. B. No. 692, H. D. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wasai, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H. B. No. 692, H. D. 1 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wasai, for the Committee on Education, presented a report (Stand. Com. Rep. No. 531-74) recommending that H. B. No. 1367, H. D. 1 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wasai, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H. B. No. 1367, H. D. 1, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 532-74) recommending that H. B. No. 1643 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative Kihano and carried, the report of the Committee was adopted and H. B. No. 1643, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 533-74) recommending that H. B. No. 2425-74, H. D. 1 pass Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 533-74 on H. B. No. 2425-74, H. D. 1, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2425-74, H. D. 2 were made available to the members of the House at 8:35 o'clock p.m.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 534-74) recommending that H. B. No. 2245-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and H. B. No. 2245-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 535-74) recommending that H. B. No. 1447, H. D. 1 pass Third Reading.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 536-74) recommending that H. B. No. 2059 pass Third Reading with certain amendments.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 537-74) recommending that H. B. No. 2541-74, H. D. 1 pass Third Reading.

Representative Young, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 538-74) recommending that H. B. No. 2544-74, H. D. 1 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 539-74) recommending that H. B. No. 2255-74 pass Third Reading.

Representative Kawakami, for the majority of the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 540-74) recommending that H. B. No. 2150-74, H. D. 1 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 541-74) recommending that H. B. No. 2253-74 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 542-74) recommending that H. B. No. 1470, H. D. 2 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 535-74 through 542-74 on H. B. Nos. 1447, H. D. 1, 2059, H. D. 1, 2541-74, H. D. 1, 2544-74, H. D. 1, 2255-74, 2150-74, H. D. 1, 2253-74 and 1470, H. D. 2, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 1447, H. D. 1, 2059, H. D. 1, 2541-74, H. D. 1, 2544-74, H. D. 1, 2255-74, 2150-74, H. D. 1, 2253-74 and 1470, H. D. 2 were made available to the members of the House at 8:45 o'clock p.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 543-74) recommending that H. B. No. 2052-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2052-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee

on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 544-74) recommending that H. B. No. 2167-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 2167-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 545-74) recommending that H. B. No. 2330-74, H. D. 1 pass Third Reading.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 546-74) recommending that H. B. No. 2080-74 pass Third Reading with certain amendments.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 547-74) recommending that H. B. No. 2860-74, H. D. 1 pass Third Reading with certain amendments.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 548-74) recommending that H. B. No. 2749-74, H. D. 1 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 545-74 through 548-74 on H. B. Nos. 2330-74, H. D. 1, 2080-74, H. D. 1, 2860-74, H. D. 2 and 2749-74, H. D. 1, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 2330-74, H. D. 1, 2080-74, H. D. 1, 2860-74, H. D. 2 and 2749-74, H. D. 1 were made available to the members of the House at 8:45 o'clock p.m.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 549-74) recommending that H. B. No. 2406-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative Kihano and carried, the report of the Committee was adopted and H. B. No. 2406-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Yap, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 550-74) recommending that H. B. No. 719, H. D. 1 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 551-74) recommending that H. B. No. 3005-74, H. D. 1 pass Third Reading.

Representative Kawakami, for the Committee on Water, Land Use and Development, presented a report (Stand. Com. Rep. No. 552-74) recommending that H. B. No. 2254-74 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 550-74 through 552-74 on H. B. Nos. 719, H. D. 1, 3005-74, H. D. 1 and 2254-74 was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. Nos. 719, H. D. 1, 3005-74, H. D. 1 and 2254-74 were made available to the members of the House at 8:45 o'clock p.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 553-74) recommending that H. B. No. 690 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 690, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 554-74) recommending that H. B. No. 2750-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H. B. No. 2750-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 555-74) recommending that H. B. No. 1843 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and H. B. No. 1843, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

The Chair here directed the Clerk to note that printed copies of H. B. Nos. 2917-74, 2312-74, H. D. 1 and 2584-74 were made available to the members of the House at 6:00 o'clock p.m.; H. B.

Nos. 520, H. D. 1, 2651-74, H. D. 1, 2896-74, H. D. 1, 2738-74, 3026-74, 2378-74, H. D. 1, 2971-74, H. D. 1, 2977-74, H. D. 1 and 3048-74, H. D. 1 at 8:15 o'clock p.m.; H. B. Nos. 692, H. D. 1, 1367, H. D. 2 and 1643, H. D. 1 at 8:35 o'clock p.m.; and H. B. Nos. 2245-74, H. D. 1, 2052-74, H. D. 1, 2167-74, H. D. 1, 2406-74, H. D. 1, 690, H. D. 1, 2750-74, H. D. 1 and 1843, H. D. 1 at 8:45 o'clock p.m.

At 9:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 10:37 o'clock p.m., the House of Representatives reconvened.

RECONSIDERATION OF ACTION TAKEN

Representative Kato moved that the House reconsider its action taken on Stand. Com. Rep. No. 449-74 on H. B. No. 2843-74, as amended, seconded by Representative Sakima and carried.

By unanimous consent, the referral of H. B. No. 2843-74, as amended, to the Committee on Finance was waived.

On motion by Representative Kato, seconded by Representative Sakima and carried, Stand. Com. Rep. No. 449-74 was adopted, and notwithstanding the recommendation of the Committee, H. B. No. 2843-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

The Chair here directed the Clerk to note that printed copies of H. B. No. 2843, H. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

At 10:38 o'clock p.m., on request by Representative R. Garcia, the Chair declared a recess, subject to the call of the Chair.

At 10:39 o'clock p.m., the House of Representatives reconvened.

STANDING COMMITTEE REPORTS

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 556-74) recommending that H. B. No. 2067-74 pass Third Reading with certain amendments.

Representative King here rose and stated:

"Mr. Speaker, I have some amendments to offer and they are being distributed. I'd like to ask, if I may, that there be a brief recess with the Majority and Minority caucusing. The amendments are very reasonable ones, it seems to me, and I'd like a brief opportunity to explain in caucus what they are where people will have the opportunity to ask questions and be answered."

Representative Wakatsuki here rose on a point of order stating:

"There is no motion on the floor regarding bills that the Chief Clerk referred to submitted by the Committee on Judiciary and Corrections. If there are any amendments to be made, it should be made at the time of the motion for passage on Third Reading."

The Chair here replied:

"The point is well taken, except that since tonight is the last night to be on twenty-four hours, we shall allow the amendments."

Representative J. Garcia rose and stated:

"May I point out to Representative King, that if the amendments proposed here are substantive, it may require that the bill be recommitted and that a new Committee report be submitted on the floor of the House. And that being the case, Mrs. King, I would suggest that you keep your eye on the clock because you might kill the bill which reposes before us."

Representative Yuen here rose and stated:

"Mr. Speaker, I would suggest that we defer this matter until the end of the calendar so that we can take up other bills."

Representative King here replied:

"Mr. Speaker, I think the Representative from the Big Island pointed out a real problem in terms of time. And, if time is a problem, I think it would be better to do it fairly early on—like now."

The Chair then stated:

"Well, if we don't have any interruptions we can do it in about seven minutes."

By unanimous consent, consideration of **Stand. Com. Rep. No. 556-74** on **H. B. No. 2067-74**, as amended, was deferred until the end of the calendar.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 557-74**) recommending that **H. B. No. 3051-74, H. D. 1** pass Third Reading.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 558-74**) recommending that **H. B. No. 2888-74, H. D. 1** pass Third Reading with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. Nos. 557-74 and 558-74** on **H. B. Nos. 3051-74, H. D. 1** and **2888-74, H. D. 1**, as amended,

was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. Nos. 3051-74, H. D. 1** and **2888-74, H. D. 2** were made available to the members of the House at 9:40 o'clock p.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 559-74**) recommending that **H. B. No. 2547-74** pass Third Reading with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. No. 559-74** on **H. B. No. 2547-74**, as amended, was deferred until the end of the calendar.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 560-74**) recommending that **H. B. No. 2681-74, H. D. 1** pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. No. 560-74** on **H. B. No. 2681-74, H. D. 1** was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2681-74, H. D. 1** were made available to the members of the House at 9:40 o'clock p.m.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 561-74**) recommending that **H. B. No. 3055-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 3055-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974:

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 562-74**) recommending that **H. B. No. 2594-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2594-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 563-74**) recommending that **H. B. No. 1551** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 1551**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 564-74**) recommending that **H. B. No. 3056-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 3056-74**, as amended, entitled: "A Bill for an Act amending Sections 514-3 and 514-13 of the Horizontal Property Act," passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 565-74**) recommending that **H. B. No. 3057-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 3057-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 566-74**) recommending that **H. B. No. 676** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 676**, as amended, entitled: "A Bill for an Act amending Section 612-8 of the Hawaii Revised Statutes, relating to pay of jurors," passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 567-74**) recommending that **H. B. No. 2771-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2771-74** passed Second Reading and was placed on the calendar for Third Reading, tomorrow, April 2, 1974.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 568-74**)

recommending that **H. B. No. 2396-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the majority of the Committee was adopted and **H. B. No. 2396-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Uechi, for the Committee on Agriculture, presented a report (**Stand. Com. Rep. No. 569-74**) recommending that **H. B. No. 2859-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kihano, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2859-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 570-74**) recommending that **H. B. No. 2682-74**, **H. D. 2** pass Third Reading with certain amendments.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 571-74**) recommending that **H. B. No. 2436-74**, **H. D. 1** pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. Nos. 570-74** and **571-74** on **H. B. Nos. 2682-74**, **H. D. 3** and **H. B. No. 2436-74**, **H. D. 1**, respectively, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. Nos. 2682-74**, **H. D. 3** and **2436-74**, **H. D. 1** were made available to the members of the House at 10:05 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (**Stand. Com. Rep. No. 572-74**) recommending that **H. B. No. 2095-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2005-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wasai, for the Committee on Education, presented a report (**Stand. Com. Rep. No. 573-74**) recommending that **H. B. No. 390** pass Second Reading and be referred to the Committee on Finance with certain amendments.

By unanimous consent, referral of **H. B. No. 390**, as amended, to the Committee on Finance was waived.

On motion by Representative Wasai, seconded by Representative Medeiros and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 390**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 574-74**) recommending that **H. B. No. 2636-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2636-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 575-74**) recommending that **H. B. No. 2813-74**, **H. D. 1** pass Third Reading.

By unanimous consent, consideration of **Stand. Com. Rep. No. 575-74** on **H. B. No. 2813-74**, **H. D. 1** was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2813-74**, **H. D. 1** were made available to the members of the House at 10:20 o'clock p.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 576-74**) recommending that **H. B. No. 1951** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Kunimura rose to speak against the passage of **H. B. No. 1951**, as amended, on Second Reading as follows:

"Yes, Mr. Speaker, this bill here, **H. B. No. 1951**, **H. D. 1**, seems like a very innocuous bill. I rise to speak against this bill, even if it's unprecedented to speak against the bill on Second Reading because there are times, Mr. Speaker, that bills come before this House which don't even deserve Second Reading. And this is the very bill that I'm talking about.

It seems very innocuous as the title says, Mr. Speaker: 'Service retirement allowance for legislative officers.' This is a fat baby. I don't know how we can place this on the calendar for Third Reading tomorrow, when actuarially, this may even damage the entire retirement system of the State of Hawaii and put all the loyal workers who have retired and who will be retiring and who are now working

for retirement in the distant future in serious jeopardy. And what is uglier in this particular bill, Mr. Speaker, is we are fattening ourselves because item 4, relating to Section 4 of the bill—I don't understand this too well—but it says: 'to provide that annual compensation for legislators after November 5, 1968 shall be deemed to have been an amount equal to one and one-half times the member's last monthly salary times twelve. I'm not a mathematician, but I think what this bill is going to do is to fatten our retirement to something like an annual average compensation to \$18,000 that we don't earn. We earn only \$12,000 a year, and I feel that this bill should be voted down on the Second Reading, rather than be given the courtesy of coming up for Third Reading tomorrow. And, therefore, Mr. Speaker, I'd like to ask all members of this House to play straight, and I don't know why this bill was not referred to Finance Committee when such serious financial implication is added to the budget of the State. And therefore, Mr. Speaker, I'd like to request a roll call vote."

Representative Yuen rose and stated:

"Mr. Speaker, before we take action on this particular matter, may I make a request, and that is, Mr. Speaker, that we defer this particular matter to the end of the calendar, too. I think there are serious questions that many of us would like to pursue."

Representative Kunimura then replied:

"Mr. Speaker, I have no objection if it's to the end of the calendar because every member deserves the right to find out the truth about anything on this floor."

By unanimous consent, consideration of **Stand. Com. Rep. No. 576-74** on **H. B. No. 1951**, as amended, was deferred until the end of the calendar.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (**Stand. Com. Rep. No. 577-74**) recommending that **H. B. No. 1691** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 1691**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Iha, for the Committee on Transportation, presented a report (**Stand. Com. Rep. No. 578-74**) recommending that **H. B. No. 2793-74** pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Nakama moved that the report of the Committee be adopted and **H. B. No. 2793-74**, as amended, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morioka.

Representative Cobb here rose and stated:

"Mr. Speaker, in reference to **H. B. No. 2793-74**, **H. D. 1**, since I was the individual who introduced this bill relating to the regulation of movable signs along public highways, I wanted to express as clearly as possible the legislative intent that it is only for the purpose of regulation and not prohibition. Since we will be considering this matter on Third Reading tomorrow evening, I think each of the members should be aware that, as one of the protagonists in the suit involving the original House Bill 12 from last year, it was the position of both the plaintiff and the court that the regulation of political signs was permissible but the outright prohibition was not. What this bill attempts to do is to prohibit the large mass paid armies, either paid or unpaid volunteers, from massing along public highways. And, as the bill goes into some detail as well as the Committee report, it talks of through highways state funded, for of federal highways which are already prohibited. It specifically does not mention residential streets, approaches to the highways and like areas where the speed limit is below 35 miles an hour. As a result, Mr. Speaker, the intent of the bill is, again I say, to regulate, not to prohibit. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2793-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Iha, for the Committee on Transportation, presented a report (**Stand. Com. Rep. No. 579-74**) recommending that **H. B. No. 2691-74** pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakama, seconded by Representative Morioka and carried, the report of the Committee was adopted and **H. B. No. 2691-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 580-74**) recommending that **H. B. No. 2586-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

By unanimous consent, referral of **H. B. No. 2586-74**, as amended, to the Committee on Finance was waived.

On motion by Representative Wakatsuki,

seconded by Representative Kato and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 2586-74**, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Wakatsuki, for the Committee on Judiciary and Corrections, presented a report (**Stand. Com. Rep. No. 581-74**) recommending that **H. B. No. 2900-74** be referred to the Committee on Finance with certain amendments.

By unanimous consent, referral of **H. B. No. 2900-74**, as amended, to the Committee on Finance was waived.

On motion by Representative Wakatsuki, seconded by Representative Kato and carried the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 2900-74**, as amended, entitled: "A Bill for an Act to provide for the licensure of speech pathologists and audiologists," passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

Representative Uechi, for the Committee on Agriculture, presented a report (**Stand. Com. Rep. No. 582-74**) recommending that **H. B. No. 2786-74** pass Second Reading and be referred to the Committee on Finance with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. No. 582-74** on **H. B. No. 2786-74**, as amended, was deferred until the end of the calendar.

Representative Uechi, for the Committee on Agriculture, presented a report (**Stand. Com. Rep. No. 583-74**) recommending that **H. B. No. 2698-74**, as amended, pass Second Reading and be referred to the Committee on Finance with certain amendments.

By unanimous consent, consideration of **Stand. Com. Rep. No. 583-74** on **H. B. No. 2698-74**, as amended, 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. 584-74**) recommending that **H. B. No. 3097-74** pass Second Reading and be referred 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. B. No. 3097-74** 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. 585-74**) recommending that **H. B. No. 2834-74** pass Second Reading and be referred to the

Committee on Judiciary and Corrections with certain amendments.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and H. B. No. 2834-74, as amended, passed Second Reading and was referred to the Committee on Judiciary and Corrections.

Representative Wakatsuki, for the majority of the Committee on Judiciary and Corrections, presented a report (Stand. Com. Rep. No. 586-74) recommending that H. B. No. 3090-74 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Wakatsuki moved that the report of the Committee be adopted and H. B. No. 3090-74, as amended, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Takamine.

Representative Yim rose and inquired whether the Chairman of the Judiciary would yield to some questions, whereupon Representative Wakatsuki answered in the affirmative.

Representative Yim then inquired:

"Mr. Speaker, I understand one of the primary reasons for bills laying over for twenty-four hours is for the legislators to have the time to read the bill so that they may understand what they will be voting on tomorrow. I would like to call to the attention of the Judiciary Committee on the Committee report on page 2, item 3, the last sentence. Can he give a brief explanation to that? For example, does it mean on a House race with 12,000 voters, under the present law, the maximum that can be spent will be \$3,000 per election — that is \$3,000 for the primary and \$3,000 for the general election. Now with this page, on behalf of a candidate, a group of people will sponsor a coffee hour and invite all 12,000 people to H.I.C. and spend \$20,000 for the coffee hour. Is this permissible under this amendment?"

Representative Wakatsuki then replied:

"It is my understanding, Mr. Speaker, that the expenses incurred for the purchase of the food or whatever are accessories to serve this food will not be part of the expenditures in determining the total amount spent."

Representative Yim stated:

"So, Mr. Speaker, then the question I'm posing under the example given, whereby a group of supporters sponsoring a coffee hour which may be amounting to somewhat a luau — a free luau and invite all 12,000 voters to attend that so-called luau coffee hour — free and the cost is \$20,000 or more, that is permissible?"

Representative Wakatsuki then replied:

"Mr. Speaker, it is my understanding that, if this is in reference to Section 203-2, the costs of food, beverages and so on for non-fundraising political-social affairs, will not be considered as expenditures within the spending limits. If the speaker is referring to 203.1, it exempts the cost of food and other items such as the chicken and other food items being served. This is also exempt from the expenditure limitations. So, in reference to his example the answer is yes."

Representative Cobb then inquired whether the chairman of the Judiciary Committee would yield to some questions, whereupon Representative Wakatsuki answered in the affirmative.

Representative Cobb then inquired:

"Mr. Speaker, under the provisions of that last sentence the words, 'cost of food and incidentals necessary for a social affair,' the incidentals such as the mailing expense to notify every voter in the district of the free luau every week would similarly not be counted as a part of the campaign expense?"

Representative Wakatsuki replied:

"That is my understanding, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H. B. No. 3090-74, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

At 11:10 o'clock a.m., on request by Representative Yim, the Chair declared a recess, subject to the call of the Chair.

At 11:45 o'clock a.m., the House of Representatives reconvened.

The Chair here directed the Clerk to note that printed copies of H. B. Nos. 3055-74, H. D. 1, and 2594-74, H. D. 1 were made available to the members of the House at 9:40 o'clock p.m.; H. B. Nos. 1551, H. D. 1, 3056-74, H. D. 1, 3057-74, 676, H. D. 1, 2771-74, 2396-74, H. D. 1 and 2859-74, H. D. 1 at 10:05 o'clock p.m.; H. B. Nos. 2095-74, 390, H. D. 1, 2636-74, 1691, H. D. 1, 2793-74, H. D. 1, 2691-74 and H. B. No. 2586-74, H. D. 1 at 10:20 o'clock p.m.; and H. B. No. 3090-74, H. D. 1 at 10:32 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action on Stand. Com. Rep. No. 584-74 on H. B. No. 3097-74, seconded by Representative A. Chong.

By unanimous consent, the referral of **H. B. No. 3097-74** to the Committee on Finance was waived.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, **Stand. Com. Rep. No. 584-74** was adopted and, notwithstanding the recommendation of the Committee, **H. B. No. 3097-74** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1974.

The Chair here directed the Clerk to note that printed copies of **H. B. No. 3097-74** were made available to the members of the House at 10:20 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 576-74 (H. B. No. 1951, H. D. 1):

Representative Lee rose on a point of personal privilege and stated:

"I'd like to make a few remarks in reply to the earlier remarks made by our colleague from Kauai here. One is that any retirement features in this bill here will not bankrupt the State. On the contrary, the administrative retirement system said that no appropriation is needed.

The second point is that I'd like to bring your attention to **H. B. 2744**, introduced in the election year of 1974. This has to do specifically with the retirement of legislators between statehood, 1959, and 1968 to increase their compensation only. And, believe it or not, in closing this bill was introduced by no other than our colleague who does not believe, supposedly, in taking care of the legislators and their interest in an election year. It was introduced by Representative Tony Kunitura."

On motion by Representative Lee, seconded by Representative Takamine and carried, **Stand. Com. Rep. No. 576-74** and **H. B. No. 1951, H. D. 1** were recommitted to the Committee on Labor and Public Employment.

Stand. Com. Rep. No. 556-74 (H. B. No. 2067-74, H. D. 1):

Representative King here offered an amendment as follows:

"**H. B. 2067-74, H. D. 1** is amended by amending Sec. -1. (8) of SECTION 1 to read as follows:

'(8) 'Significant effect' means the sum of those effects that affect the quality of the environment, including actions which irrevocably commit a natural resources, curtail the range of beneficial uses of the environment, serve short-term, to the disadvantage of

long-term, environmental goals, or promote economic activities which are not stable or in balance with the physical and social environment'."

Representative King then explained the amendment:

"The amendment simply changes about three words in House draft 1. House draft 1 provides that there be environmental impact statements where there is reason to believe that the environment will be degraded. This is the same as saying that you should do it where there will be an adverse effect. There is no way of knowing ahead of time what will be degrading or have an adverse effect, so this simply substitutes the word 'affect' for 'degrade'."

Representative King moved that the amendment be adopted seconded by Representative A. Chong.

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

Representative King here offered a second amendment as follows:

"**H. B. 2067-74, H. D. 1**, is amended by amending Sec. -2 of SECTION 1 to read as follows:

'Sec. -2 **Environmental quality commission.** There is established in the office of the governor an environmental quality commission which shall administer this chapter. The commission shall be composed of ten members appointed by the governor as provided in section 26-34. The term of each member shall be four years, provided that of the members initially appointed four members shall serve for four years, four members shall serve for three years, and the remaining two members shall serve for two years. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments. The membership shall include three representatives of labor, management, the construction industry and real estate groups, three representatives of environmental interest groups and community groups, three representatives of the architectural, engineering and planning professions, and one ecologist or representative of the natural sciences. The director of environmental quality control shall serve as ex officio voting member. The governor shall appoint the chairman. The members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties'."

Representative King then explained the second amendment as follows:

"This section sets up an environmental quality commission, which is a new idea. We have only changed one sentence in this section. The existing House draft 1 simply states various categories of people. We have changed this to read that there shall be three representatives of labor, management, etc., three representatives of environmental interest groups, three representatives of architects, engineering, etc. and one representative from the natural sciences."

Representative King moved that the amendment be adopted, seconded by Representative A. Chong.

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 16 ayes to 24 noes, with Representatives Aduja, Amaral, A. Chong, W. Chong, Cobb, de la Cruz, J. Garcia, R. Garcia, King, Leopold, Medeiros, Poepoe, Saiki, Soares, Yamada and Yim voting aye and Representatives Ajifu, Aki, Carroll, Fong, Hapai, Iha, Oda, Roehrig, Uechi, Wedemeyer and Young being excused.

Representative King then offered a third amendment as follows:

"H. B. 2067-74, H. D. 1, is amended by amending Sec. -3, (a) (2) of SECTION 1 to read as follows:

'(2) Any action proposing the use of any land in the area between the shoreline and three hundred feet inland from or 1000 yards seaward of the shoreline, the use of any land in a conservation district, the use of any land for which a change in land use district or classification, change in zoning or change in the county general plan is required, the use of any land within the Waikiki-Diamond Head areas (map designated as portion of 1967 city and county of Honolulu General Plan Development Plan Waikiki-Diamond Head [Section A]), or the use of any land within any area designated on civil defense agency maps as being subject to tsunami inundation'."

Representative moved that the amendment be adopted, seconded by Representative A. Chong.

Representative King then explained the third amendment as follows:

"It sets up certain categories for which environmental impact statements must be filed. We simply added sections applying it to Waikiki, to tsunami inundation areas and to the area 1000 yards seaward of the shoreline."

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

Representative King then offered a fourth amendment as follows:

"H. B. 2067, H. D. 1, is amended by adding after Sec. -3 (a) (3) of SECTION 1 a new (4) to read as follows:

'(4) Any action under review by a state or county agency, not included in Sec. 3 (1), Sec. 3 (2), or Sec. 3 (3), deemed by the reviewing agency to have possible significant effects on the environment'."

Representative King moved that the amendment be adopted, seconded by Representative A. Chong.

Representative King then explained the fourth amendment as follows:

"This section simply gives State and county agencies the flexibility to require an environmental impact statement of private developers if they don't automatically fall under the two categories we just discussed."

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

Representative King offered a fifth amendment as follows:

"H. B. 2067-74, H. D. 1 is amended by amending the first paragraph of SECTION 1, Sec. -3 (c) to read as follows:

'(c) Any agency or person proposing any of the action specified in subsection (a) (2) and (a) (3) or required under subsection (a) (4) shall prepare and submit an environmental impact statement to the county planning department or the board of land and natural resources, as the case may be, and the environmental quality commission. The county planning department or the board of land and natural resources shall, within thirty days of receipt of the environmental impact statement, but no sooner than fifteen days after public notification of receipt of the statement, hold a public hearing, and within thirty days thereafter notify the applicant and the commission of the approval or disapproval of the statement. The statement shall be deemed to be disapproved if the county planning department or the board of land and natural resources fails to approve or disapprove the statement within thirty days after the public hearing. If the statement is disapproved, the applicant may, within 120 days from date of notice of disapproval, submit a new statement covering the same proposed action. If the new statement is disapproved, no further statements for the same proposed action may be submitted by applicant any sooner than six months from date of notice of such disapproval and of further disapprovals thereafter'."

Representative King moved that the amendment be adopted, seconded by Representative A. Chong.

Representative King then explained the fifth amendment as follows:

"Right now, the bill only says that within 30 days after receipt of the environmental impact statement a public hearing shall be held. This simply adds the phrase that no sooner than 15 days after public notification because there might be no way for the public to know that an environmental impact statement had been received. And so, we only have one day's notice. We also changed the word 'approve' to 'disapprove' so as that something won't get automatically approved. And we changed in one section the word 'department' to 'board of land and natural resources'."

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

Representative King then offered a sixth amendment to H. B. No. 2067-74, as amended, as follows:

"H. B. 2067-74, H. D. 1, SECTION 1 is amended by renumbering Sec. -5 **Limitation of actions** to read Sec. -6 **Limitation of actions**, and by renumbering Sec. -6 **Severability** to read Sec. -7 **Severability**, and by adding a new Sec. -5 **Injunctive relief** as follows:

'Sec. -5 **Injunctive relief**. Any affected agency, or any person or association of persons who will be aggrieved by a proposed action, may institute a civil action in any court or competent jurisdiction for injunctive relief to prevent any violation of this part or any rule or regulation made thereunder. The court shall have the power to grant relief in accordance with the Hawaii rules of civil procedure'."

Representative King moved that the amendment be adopted, seconded by Representative A. Chong.

Representative King then explained the sixth amendment as follows:

"The final amendment on this bill, Mr. Speaker, adds a section for injunctive relief. What this does is give people who are affected or aggrieved the right to go into court on a civil action to seek injunctive relief where they feel that the statute is being violated."

The motion to adopt the sixth amendment to H. B. No. 2067-74, as amended, was put by the Chair and failed to carry by a voice vote.

By unanimous consent, consideration of **Stand. Com. Rep. No. 556-74** on H. B. No. 2067-74, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2067-74, H. D. 1 were made available to the members of the House at 9:40 o'clock p.m.

Stand. Com. Rep. No. 559-74 (H. B. No. 2547-74, H. D. 1):

Representative King then offered an amendment to H. B. No. 2547-74, H. D. 1 as follows:

"H. B. 2547-74, H. D. 1 is amended by changing SECTION 2 to read SECTION 3, and by adding a new SECTION 2 to read as follows:

SECTION 2. Implementation. To carry out the purposes of this Act:

'(1) All state and county agencies, boards, and commissions shall examine their policies, authorities, programs, standards, and rules and regulations to determine if they are compatible with the state environmental policy;

(2) Where state and county agencies, boards, and commissions determine that their policies, authorities, programs, standards, and/or rules and regulations are inadequate or contrary to the purposes of this Act they shall amend them within their powers to do so, and where they lack statutory authority to achieve compliance with this Act they shall recommend appropriate legislative solutions. In either case, they shall identify steps that they have taken, or legislative proposals, necessary to achieve compliance with the intent and purposes of this Act to the governor and the legislature no later than January 1, 1975; and

(3) in proposing new legislation for enactment by the legislature, all state and county agencies shall submit a summary as to how such legislation conforms to the state environmental policy'."

Representative King moved that the amendment to H. B. No. 2547-74, H. D. 1 be adopted, seconded by Representative A. Chong.

Representative King then explained the amendment as follows:

"All of the proposed original versions of the environmental policy act had a mild implementation section asking the county agencies and the departments of the State to see whether their actions were in conformity with the environmental policy of the State. House draft 1 knocks that out entirely. What this does is put in a requirement that the county and the State agencies look at their actions to see whether they conform with the environmental policy of the State and if they need additional statutory help to implement them that they come to the following session of the Legislature requesting this."

The motion to adopt the amendment to H. B. No. 2547-74, H. D. 1 was put by the Chair and failed to carry by a voice vote.

By unanimous consent, consideration of **Stand. Com. Rep. 559-74** on **H. B. No. 2547-74**, as amended, was deferred until tomorrow, April 2, 1974, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of **H. B. No. 2547-74, H. D. 1** were made available to the members of the House at 9:40 o'clock p.m.

Stand. Com. Rep. No. 582-74 (H. B. No. 2786-74, H. D. 1):

On motion by Representative Kihano, seconded by Representative Medina and carried, the report of the Committee was adopted and **H. B. No. 2786-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

Stand. Com. Rep. No. 583-74 (H. B. No. 2698-74, H. D. 1):

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and **H. B. No. 2698-74**, as amended, passed Second Reading and was referred to the Committee on Finance.

ADJOURNMENT

At 11:59 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, April 2, 1974.

FIFTY-THIRD DAY

Tuesday, April 2, 1974

The House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Jeffrey Frantz, Youth Minister of the Presbyterian Church, after which the Roll was called showing all members present with the exception of Representatives A. Chong, Cobb, Iha, Kato, Kihano, Kishinami, Kunimura, Lee, Uechi and Wedemeyer who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 72 to 75) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 72) returning House Bill No. 2466-74, H. D. 2 which passed Third Reading in the Senate on April 1, 1974, in an amended form, was placed on file.

By unanimous consent, H. B. No. 2466-74, H. D. 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H. B. No. 2466-74, H. D. 2, S. D. 1 were made available to the members of the House at 11:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 73) transmitting Senate Bill No. 1565-74 entitled: "A Bill for an Act relating to motor vehicles," which passed Third Reading in the Senate on April 1, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 74) transmitting Senate Bill No. 2047-74 entitled: "A Bill for an Act relating to time limitation for prosecution of parking violations," which passed Third Reading in the Senate on April 1, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 75) transmitting Senate Bill No. 2189-74 entitled: "A Bill for an Act relating to the Real Estate Commission and the real estate recovery fund, Chapter 467, Hawaii Revised Statutes," which passed Third Reading in the Senate on April 1, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. Nos. 1565-74, 2047-74 and 2189-74 passed

First Reading by title and further action was deferred until later in the calendar.

At this time, the Chair directed the Clerk to note the presence of Representatives A. Chong, Cobb, Kato, Kihano, Kishinami, Kunimura and Lee.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following bills were referred as follows:

S. B. Nos.	Referred to:
1565-74	Committee on Judiciary and Corrections
2047-74	Committee on Judiciary and Corrections
2189-74	Committee on Consumer Protection

STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 587-74) informing the House that Standing Committee Report Nos. 480-74 to 586-74 had been printed and distributed.

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

At 11:07 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 12:40 o'clock p.m., the House of Representatives reconvened.

SUSPENSION OF RULES

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

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H. B. No. 2065-74, H. D. 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the House disagreed to the amendments proposed by the Senate to H. B. No. 2065-74, H. D. 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Lunasco and Medeiros were appointed as Managers on the part of the House

for the consideration of said amendments.

By unanimous consent, **H. B. No. 2440-74, H. D. 1**, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to **H. B. No. 2440-74, H. D. 1**, and **H. B. No. 2440-74, H. D. 1**, as amended, having been read throughout, pass Final Reading, seconded by Representative Kato.

Representative Kawakami then explained the amendment made by the Senate as follows:

"Mr. Speaker, the Senate has amended the bill by expanding the net size from 25 feet to 50 feet. This is the only amendment that the Senate has made and we agree to that particular amendment."

Representative Kimura then rose and stated:

"Mr. Speaker, I think there is a further amendment. The word 'his' has been inserted."

Representative Kawakami then replied:

"Mr. Speaker, I stand corrected."

Representative Wasai then rose and spoke against the motion to agree as follows:

"Mr. Speaker, what this bill proposes is to prohibit small commercial fishermen, either working full-time or part-time, as well as anybody else outside the tuna boatmen, to use net longer than 50 feet.

Mr. Speaker, some weeks ago, some members of the Fish and Game Division, Senator Hulten and I went on an expedition to Kaneohe Bay. At that particular time, we observed the use of nets 25 feet long and believe you me, Mr. Speaker, at one occasion, the amount of nehu caught was 25. On another occasion, even less than that.

The point I would like to make is that, Mr. Speaker, a net 25 feet or 50 feet is quite ridiculous insofar as catching nehu is concerned. A size, perhaps 100-200 feet, might be more probable. Mr. Speaker, I have absolute evidence that the catch of nehu by commercial fishermen outside of the tuna boatmen does not affect the total catch of aku and ahi. The Department of Land and Natural Resources' annual report from 1971 to 1972 substantiates this.

Mr. Speaker, already we have loan programs, training programs and a few days ago, I saw another appropriation concerning aerial spotting of some kind of tuna. Mr. Speaker, the amount of money—taxpayers' money—we are putting into sub-

sidizing the tuna industry is quite ridiculous. At this rate, Mr. Speaker, we may as well take over the fishing business.

Mr. Speaker, how long and to what extent must we subsidize to protect these tuna fishermen when all evidences show that the industry continues to get more money from their catch. In fact, they catch more year to year with the exception of 1973 which was not a bountiful year; not only tuna boatmen, but all fishermen right down the line, including those who don't catch moi. Mr. Speaker, the tuna fishermen claim that a great deal of nehu is being deployed in the making of bagong. This is hogwash. As of this writing, no one knows how much nehu is diverted in this area or any area at all. I believe, Mr. Speaker, that somewhere along the line, we are being pushed by strong, influential boatmen who are trying to get their way to wipe out the small commercial fishermen. I might point out again, Mr. Speaker, that 1973 was a good year for fishermen in terms of poundage. However, the decrease has been uniform in all species.

Finally, Mr. Speaker, the constitutional question arises: How can we discriminate against a class of small commercial fishermen, whether full or part-time, especially without data to prove that the depletion of nehu, if any, has adverse effect in the total yearly catch by our tuna fishermen?

Mr. Speaker, the price of fish, especially sashimi, continues to soar at a rate that many of us don't enjoy sashimi any longer, and I think it is high time that we start regulating the big boys rather than taking it out on the small commercial fishermen.

Thank you very much."

The motion was put by the Chair and carried, and **H. B. No. 2440-74, H. D. 1**, as amended, passed Final Reading by a vote of 43 ayes to 5 noes, with Representatives Ajifu, Amaral, A. Chong, Cobb and Wasai voting no and Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. No. 2440-74** had passed Final Reading at 12:43 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:

H. B. No. 2300-74

On motion by Representative Kawakami, seconded by Representative A. Chong, **H. B. No. 2300-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2567-74

On motion by Representative Lunasco, seconded by Representative Suwa and carried, **H. B. No. 2567-74**, H. D. 1 was recommitted to the Committee on Federal-State-County.

S. B. No. 1741-74

On motion by Representative Lunasco, seconded by Representative Suwa, **S. B. No. 1741-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2979-74

On motion by Representative Nakama, seconded by Representative Morioka, **H. B. No. 2979-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2084-74

On motion by Representative Kawakami, seconded by Representative A. Chong, **H. B. No. 2084-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2999-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2999-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2878-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2878-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

S. B. No. 218

On motion by Representative Kato, seconded by Representative Sakima, **S. B. No. 218** passed Third Reading by a vote of 36 ayes to 12 noes, with Representatives Aduja, Amaral, Carroll, W. Chong, J. Garcia, Kunimura, Leopold, Medeiros, Poepoe, Soares, Wong and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 3015-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 3015-74** passed Third Reading by a vote of 42 ayes to 6 noes, with Representatives Amaral, Fong, J. Garcia, Oda, Soares and Yamada voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2191-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2191-74** passed Third Reading by a vote of 47 ayes to 1 no, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2482-74

On motion by Representative King, seconded by Representative Medina, **H. B. No. 2482-74** passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

H. B. No. 2372-74

On motion by Representative Wakatsuki, seconded by Representative Kihano, **H. B. No. 2372-74** passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Aduja, Kato, King and Leopold voting no and Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

H. B. No. 2894-74

Representative King moved that **H. B. No. 2894-74**, having been read throughout, pass Third Reading, seconded by Representative Medina.

Representative Carroll then rose and spoke against the bill as follows:

"Mr. Speaker, at the Committee hearing, only one person testified in favor of the bill. The person who testified will be the one receiving the data that is asked for in this bill. The airline industry—the major airlines and not the local carriers—testified that the way that this bill is prepared will cause a great burden to them. There was no need demonstrated by anyone for the information which was to be gotten from this bill. The only benefit that I could see, and it was apparent from the testimony given, was that the person who would be collecting this data would perhaps need a large staff and need to spend more money in order to process it. No developer, no segment of the visitor industry, not even the Hawaii Visitors Bureau themselves whom we might think would have an interest in this particular information, came in to testify for this bill.

This is an austere year; this is a bill which will cost us upwards of \$200,000. It is something that we absolutely do not need. I feel that this bill should be voted down and I ask all members of the House to join me in voting no.

Thank you, Mr. Speaker."

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

"Mr. Speaker, last session, this Legislature

passed a bill like this which the Governor signed into law and it became an Act. There were considerable testimonies at that time by all kinds of people in favor of it. The one group speaking against it at that time was the airline industry.

There was also another House bill at that time — I think the number was 2222. It dealt with the same subject that was also heard and a number of people testified at that one. It was simply on 2894 that there was only the DPED testifying in favor of it but they referred to testimony at the hearing on the other bill.

Mr. Speaker, the whole question of population statistics is absolutely vital, that's the word, in terms of analyzing the number of people and the demographic rates here. This particular bill deals with the constitutional problem. The original bill, or the other bill, required the airline carriers to collect the statistics. This one says that they shall distribute the material and the people can fill it in."

At this time, Representative Soares rose and inquired whether or not Representative King would yield to a question to which Representative King replied in the affirmative.

Representative Soares then inquired:

"Representative King, I would like to ask a question based on the fact that the Hawaii Visitors Bureau today has within their operation, a department that now collates all of the information on the inbound passenger information sheet. What will happen to that function once this bill is passed?"

Representative King replied:

"Mr. Speaker, the DPED has indicated that they will work together with the Hawaii Visitors Bureau in setting up the format for this bill. The problem has been that the thing that we have now, about 40% of the people do not fill it out and the indications are that the reasons that they don't are not because they don't want to, but because the airlines frequently do not want to distribute the forms. This particular bill is to take care of that problem, Mr. Speaker."

Representative Carroll again rose and stated:

"Mr. Speaker, this particular bill, as I pointed out earlier, is aimed specifically at incoming passengers on the major air carriers and these include people traveling from foreign lands and so forth.

The thrust of my remark is not against the gathering of data, but it is a question of the method of gathering the data. The testimony that we heard from the airline industry was

to the effect that even when they fill these sheets out and they do give them out, it is that the people do not want to be bothered with it and until there is a penalty clause which forces the people to fill them out, as we have with the agricultural requirement, that they are simply not going to do it.

By this bill, we penalize the airlines for something that they have very little control over. To collect the information as Representative King has suggested, is quite good but the source that is suggested here is an invalid source and I again ask that we vote no on this bill."

The Chair then asked Representative Carroll if he would yield to a question to which Representative Carroll replied in the affirmative.

The Chair then inquired:

"What airline do you fly for?"

Representative Carroll responded:

"Mr. Speaker, I fly for Hawaiian Airlines and Hawaiian Airlines is not required to have anything to do with this although they, perhaps, might get more accurate information than they get from the major carriers."

The motion to pass H. B. No. 2894-74 on Third Reading was put by the Chair and H. B. No. 2894-74, having been read throughout, passed Third Reading by a vote of 34 ayes to 13 noes, with Representative Aduja, Aki, Amaral, Carroll, W. Chong, J. Garcia, Hapai, Medeiros, Oda, Poepoe, Saiki, Soares and Yamada voting no and Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

H. B. No. 2843-74

On motion by Representative Kato, seconded by Representative Sakima, H. B. No. 2843-74 passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that H. B. Nos. 2300-74, 2979-74, 2084-74, 2999-74, 2878-74, 3015-74, 2191-74, 2482-74, 2372-74, 2894-74 and 2843-74 and S. B. Nos. 1741-74 and 218 had passed Third Reading not earlier than 12:47 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 452-74 on H. B. No. 2187-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2187-74, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer

being excused.

Stand. Com. Rep. No. 453-74 on H. B. No. 2863-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2863-74**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 454-74 on H. B. No. 2841-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2841-74**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 455-74 on H. B. No. 2862-74, deferred from April 1, 1974:

Representative Suwa moved that the report of the Committee be adopted and **H. B. No. 2862-74**, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, the purpose of this bill is to change the statute as far as funeral leave for public employees is concerned, from two days to three days. However, there's more serious ramification to this change here, mostly because of the Collective Bargaining Law.

On the Collective Bargaining Law, certain units have been able to normally have three days funeral leave for their members so this bill takes care of the excluded employees in the comparable units so that they themselves will also have a fair shake and have three days funeral leave.

Thank you very much, Mr. Speaker, and I urge all members to vote for this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2862-74**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 456-74 on H. B. No. 2892-74, deferred from April 1, 1974:

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2892-74**, having been read throughout, passed Third

Reading by a vote of 47 ayes, with Representative Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 457-74 on H. B. No. 2928-74, deferred from April 1, 1974:

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 2928-74**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 466-74 on H. B. No. 45, deferred from April 1, 1974:

Representative Kato moved that the report of the Committee be adopted and **H. B. No. 45**, having been read throughout, pass Third Reading, seconded by Representative Sakima.

Representative Aduja then rose and spoke against the bill as follows:

"Mr. Speaker, the primary family unit has undergone many internal upheavals brought upon by external forces such as our ever-changing social values and mores.

H. B. 45 which is concerned with a near-epidemic rate of venereal disease transmission in Hawaii would apply additional pressure, causing further deterioration for the primary family unit by the government infringement upon the proper rights of the parents of minors. This would undermine the position of the parent as a source of authority and guidance in the structure of a family unit.

Furthermore, Mr. Speaker, medical treatment for minors without parental knowledge or consent will not guarantee the immediate reduction of venereal disease in Hawaii. With the aid of proper education to the problem of venereal disease for both parents and minors, I believe, Mr. Speaker, the family unit can come to a positive solution without the need for this legislative interference. It would be much more realistic to approach the problem with facts and actual educated material than to pass legislation which would only result in alienating parents and their children.

I, therefore, ask you to join with me and vote against this measure.

Thank you, Mr. Speaker."

Representative Kato then rose and stated as follows:

"Mr. Speaker, I would like to state that the Committee was not unaware of the fact that the family is involved in this particular bill. As a matter of fact, we recommended

very strongly to the Health Department that a counseling program be set up in order that lines of communications may be opened between the parent and the child to the extent that there need not be a need for legislation of this type. However that may be, Mr. Speaker, when you balance the social and moral considerations against the health considerations, there is no question in my mind but that this measure should pass because of the rising incidence and the gravity of the health problem involved.

I just ask the members of this House to vote for this very fine bill."

Representative J. Garcia then rose and spoke against the measure as follows:

"Mr. Speaker, I think if we are to look at the committee report, we will note that in this measure, only with the consent of the minor will the parent, or the custodian, or the guardian of the youngster, know precisely what is taking place. If the minor says no, I don't want my parents, my guardian, or my custodian to know that I am undertaking venereal disease treatment, that knowledge is not passed on to the parent, the guardian, or the custodian.

We talk in terms of generation gaps; we talk in terms of communication gaps. Well, in this particular measure, we are just widening the gap between the child and the family and on that premise, I ask every member of this Honorable Body to vote down this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 45**, having been read throughout, passed Third Reading by a vote of 37 ayes to 10 noes, with Representatives Aduja, Ajifu, Amaral, W. Chong, Fong, J. Garcia, Medeiros, Oda, Poe-poe and Soares voting no and Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 467-74 on H. B. No. 2060-74, as amended, deferred from April 1, 1974:

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No. 2060-74**, as amended, having been read throughout, passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Amaral, Kawakami, Kondo and Kunimura voting no and Representatives Iha, Roehrig, Uechi and Ushijima being excused.

Stand. Com. Rep. No. 468-74 on H. B. No. 2915-74, as amended, deferred from April 1, 1974:

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No.**

2915-74, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Ushijima being excused.

Stand. Com. Rep. No. 470-74 on H. B. No. 2872-74, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2872-74**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Ushijima being excused.

Stand. Com. Rep. No. 474-74 on H. B. No. 104, as amended, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 104**, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 477-74 on H. B. No. 865, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 865**, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 2187-74, 2863-74, 2841-74, 2862-74, 2892-74, 2928-74, 45, 2060-74, 2915-74, 2872-74, 104 and 865** had passed Third Reading not earlier than 12:50 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Sakima, for the Committee on Higher Education, presented a report (**Stand. Com. Rep. No. 588-74**) recommending that **H. B. No. 1378, H. D. 1** pass Second Reading and be placed on the calendar for Third Reading.

At this time, Representative Lunasco rose and stated as follows:

"Mr. Speaker, I rise to speak against the motion and in doing so, I also speak against the bill.

Mr. Speaker, several days ago, our House Policy Committee set up a policy and guideline for movements of bills. We set a deadline of yesterday on all House bills being placed on the Clerk's desk for passage on Third Reading today and yet, Mr. Speaker, we skirt around the problem by passing a bill today on Second Reading and will be passing it tomorrow on Third Reading.

Mr. Speaker, if we are going to set up policies, I think all of us in this Honorable Body should abide by it. If not, let's not make any more policies.

Thank you, Mr. Speaker."

On motion by Representative Sakima, seconded by Representative Kishinami and carried, the report of the Committee was adopted and **H. B. No. 1378, H. D. 1** passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 3, 1974.

The Chair directed the Clerk to note that printed copies of **H. B. No. 1378, H. D. 1** were made available to the members of the House at 12:10 o'clock p.m.

At 1:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 1:11 o'clock p.m., the House of Representatives reconvened.

At 1:12 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 6:00 o'clock this evening.

EVENING SESSION

The House of Representatives reconvened at 6:03 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (**Sen. Com. Nos. 76 to 91**) were read by the Clerk and were disposed of as follows:

A communication from the Senate (**Sen. Com. No. 76**) returning **House Concurrent Resolution No. 18** which was adopted by the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 77**) transmitting **Senate Bill No. 323, S. D. 2** entitled: "A Bill for an Act relating to the University," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 78**) transmitting **Senate Bill No. 326, S. D. 1** entitled: "A Bill for an Act relating to firearms and dangerous weapons," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 79**) transmitting **Senate Bill No. 1256, S. D. 1** entitled: "A Bill for an Act relating to elections," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 80**) transmitting **Senate Bill No. 1397-74, S. D. 2** entitled: "A Bill for an Act relating

to environmental quality control," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 81**) transmitting **Senate Bill No. 1479-74** entitled: "A Bill for an Act repealing Chapter 156, Hawaii Revised Statutes, relating to the Farm Advisory Board," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 82**) transmitting **Senate Bill No. 1745-74, S. D. 1** entitled: "A Bill for an Act relating to lapsed warrant," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 83**) transmitting **Senate Bill No. 1746-74, S. D. 1** entitled: "A Bill for an Act relating to lost, stolen, destroyed or defaced bonds and coupons," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 84**) transmitting **Senate Bill No. 1791-74, S. D. 1** entitled: "A Bill for an Act relating to costs of judicial proceedings, amending Chapters 607, and Sections 91-14, 92-21, 232-22, 386-88, and 664-8, Hawaii Revised Statutes," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 85**) transmitting **Senate Bill No. 1999-74** entitled: "A Bill for an Act relating to elevator mechanics," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 86**) transmitting **Senate Bill No. 2004-74, S. D. 1** entitled: "A Bill for an Act relating to the Office of Revisor of Statutes and Statute Revision," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 87**) transmitting **Senate Bill No. 2051-74, S. D. 1** entitled: "A Bill for an Act relating to the administration of oaths," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 88**) transmitting **Senate Bill No. 2197-74, S. D. 1** entitled: "A Bill for an Act relating to the Horizontal Property Act," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 89**) transmitting **Senate Bill No. 2215-74, S. D. 1** entitled: "A Bill for an Act relating to elections," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

A communication from the Senate (**Sen. Com. No. 90**) transmitting **Senate Bill No. 1480-74,**

S. D. 1 entitled: "A Bill for an Act relating to milk control," which passed Third Reading in the Senate on April 2, 1974, was placed on file.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, S. B. Nos. 323, S. D. 2; 326, S. D. 1; 1256, S. D. 1; 1397-74, S. D. 2; 1479-74; 1745-74, S. D. 1; 1746-74, S. D. 1; 1791-74, S. D. 1; 1999-74; 2004-74, S. D. 1; 2051-74, S. D. 1; 2197-74, S. D. 1; 2215-74, S. D. 1; and 1480-74, S. D. 1 passed First Reading by title and further action was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 91) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2065-74, H. D. 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Brown, Chairman; Ching and Mirikitani 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.

COMMITTEE REFERRALS

The following bills (S. B. Nos. 323, 326, 1256, 1397-74, 1479-74, 1480-74, 1745-74, 1746-74, 1791-74, 1999-74, 2004-74, 2051-74, 2197-74 and 2215-74) were disposed of as follows:

S. B. No.	Referred to:
323	Committee on Higher Education, then to the Committee on Finance
326	Committee on Judiciary and Corrections
1256	Committee on Judiciary and Corrections
1397-74	Committee on Environmental Protection, then to the Committee on Judiciary and Corrections
1479-74	Committee on Agriculture
1480-74	Committee on Agriculture
1745-74	Committee on Finance
1746-74	Committee on Finance
1791-74	Committee on Judiciary and Corrections
1999-74	Committee on Consumer Protection
2004-74	Committee on Judiciary and Corrections, then to the Committee on Finance
2051-74	Committee on Judiciary and Cor-

rections

2197-74 Committee on Judiciary and Corrections

2215-74 Committee on Judiciary and Corrections

THIRD READING

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

H. B. No. 2241-74

Representative Wakatsuki moved that H. B. No. 2241-74, having been read throughout, pass Third Reading, seconded by Representative Kato.

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

"Mr. Speaker, House Bill 2241-74 will fill a void which presently exists in our Penal Code; that is, the prohibition of unreasonable noise.

This legislation defines noise as being unreasonable if, considering the nature and the person's conduct and circumstances known to him, including the nature of the location and the time of night, the noise caused is louder than is reasonably necessarily incidental to any business or social activity that is otherwise lawful. However, unreasonable noise is a violation only if it is made between the hours of 7:00 p.m. to 7:00 a.m. Barking dogs and unreasonable noise made during nights during hours not specified in this bill, are not covered.

While this bill, in its present form, leaves a lot to be desired, it, nevertheless, is a step in the right direction and, therefore, urge all members to vote for this bill.

Thank you."

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

"Mr. Speaker, although a step in the right direction, the measure before us is a weak 'sister.' It represents a great disappointment to many of my constituents who had hoped that a legal remedy would be provided for discomfort from loud daytime noise."

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

"Mr. Speaker, in the area of Waikiki, we have one of the noisiest area in the entire State and while this bill, as has been noted by two of my colleagues, is a step in the right direction, it certainly leaves much to be de-

sired.

I think that much needs to be added to this bill to regulate the noise that our citizens are being subjected to during the daytime, not only in the area of construction; but in the way of garbage as well as noise made by other citizens.

With these shortcomings, I urge all members to vote for this bill.

Thank you."

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

"I have been asked to point out, Mr. Speaker, that the Penal Code already contains Section 1101 which has a prohibition against unreasonable noise at all times. This particular section does not in any way contravene, or change, or in any way amend provisions contained in Section 1101 which the police recently discovered and are now enforcing.

Therefore, Mr. Speaker, I would urge all to vote in favor of this bill simply as a duplication to handle nighttime noise.

Thank you."

Representative King then rose and stated as follows:

"Mr. Speaker, I was going to make the same point that Representative O'Connor made. I had originally planned to vote against this bill because it watered down the section currently in the Penal Code, Section 1101, but the Majority Leader has assured us that it doesn't. It simply strengthens it by setting up nighttime qualification, and the 24-hour application of Section 1101 to unreasonable noise also applies."

The motion to pass H. B. No. 2241-74 on Third Reading was put by the Chair and H. B. No. 2241-74, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Iha, Roehrig, Uechi and Wedemeyer being excused.

H. B. No. 2374-74

Representative Suwa moved that H. B. No. 2374-74, having been read throughout, pass Third Reading, seconded by Representative Aki-zaki.

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

"Mr. Speaker, I think the Committee report truly reflects the intent of the Committee. As to the ability of the State to finance in a reasonable fashion in the area of cash

flow management and in the area of capital improvements, there is a debt margin that would safeguard our State's need.

Therefore, Mr. Speaker, I ask the members to vote for the measure."

Representative Cobb then offered the following amendment to H. B. No. 2374-74:

"SECTION 1. House Bill No. 2374-74, H. D. 1, is amended by adding the following new section thereto to read as follows:

'SECTION 7a. Act 218, Session Laws of Hawaii 1973, is amended by adding thereto a new Section 72C reading as follows:

'SECTION 72C. The additional capital improvement projects authorized by Sections 72A and 72B hereof, shall be expended in such manner that the ratio of expenditures in any one representative district shall not be more than twice that of any other representative district. The ratio shall be based on the per capita expenditure per registered voter in each representative district.'

Representative Cobb moved that the amendment be adopted, reluctantly seconded by Representative R. Garcia.

Representative Cobb then explained the amendment as follows:

"Mr. Speaker, the purpose of this amendment is to acquire fairness in the administration's release of legislative CIP only.

It simply states that one district shall not be favored over another in excess of a two to one ratio of dollars released for registered voters. The amendment does not include the allocation or release of executive CIP for to do so would hamper any administration in its job of providing capital expenditures for major areas of our State such as airports, highways and harbors. Some legislative CIP does appear in the executive budget as a means of assuring its release, but we all recognize that is one way the game is played.

What this amendment will do is require some degree of fairness in the executive release of our own legislative CIP. The tables attached to this amendment illustrates the need for this change although the figures should only be regarded as trends of the last five years. The districts included were selected on the basis of both geographic and partisan characteristics. Here, it is not uncommon to see release scales of four or five to one. While we cannot completely eliminate such disparities or require an exact one to one ratio, we can, by this amendment, insure some fairness and provide real meaning to the enactment of legislative CIP.

In that spirit of fairness for our own spending, Mr. Speaker, I urge every member to vote for this amendment.”

Representative Suwa again rose and stated:

“Mr. Speaker, I appreciate the concern reflected by the Representative who spoke and the time that he had taken to go over some of the rationale but we must remember that funds are released based on need. Some years, the district will be short, but the following year, there is always room to help them. It is a give and take thing.

Mr. Speaker, I appreciate the work of the previous speaker, but I ask the members to turn down his amendment.”

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

The motion to pass **H. B. No. 2374-74** on Third Reading was put by the Chair and **H. B. No. 2374-74**, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Cobb voting no and Representatives Iha, Uechi and Wedemeyer being excused.

At 6:09 o'clock p.m., on request by Representative Wakatsuki, the Chair declared a recess, subject to the call of the Chair.

At 6:12 o'clock p.m., the House of Representatives reconvened.

H. B. No. 2799-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2799-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 3024-74

On motion by Representative Yap, seconded by Representative Akizaki, **H. B. No. 3024-74** passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Roehrig and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2589-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2589-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2917-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 2917-74** passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives King and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

meyer being excused.

H. B. No. 2312-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 2312-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2584-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2584-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 2241-74, 2374-74, 2799-74, 3024-74, 2589-74, 2917-74, 2312-74** and **2584-74** had passed Third Reading not earlier than 6:05 o'clock p.m.

UNFINISHED BUSINESS

H. B. No. 2923-74 on Third Reading, deferred from April 1, 1974:

Representative Lunasco moved that **H. B. No. 2923-74**, having been read throughout, pass Third Reading, seconded by Representative Suwa.

Representative King then rose and spoke against the bill as follows:

“It seems to me that although what the bill may try to do might be a good thing, as a matter of legislative philosophy, it seems to me a mistake. The bill, as explained to us, is attempting to do for the Mayor of the City and County of Honolulu what the City and County Charter doesn't give him. All the other county Charters give this power to their Mayor. What we are now saying with this bill is that in the other counties, the people of those counties adopted the Charter giving certain powers to their Mayor. The Charter Commission of Honolulu and the people of Honolulu didn't do this and we are saying that the State Legislature then, as a whole, has the right to command and, in effect, amend the City Charter.

It seems to me that, as a legislative philosophy, this is a mistake and so I urge a vote against this bill.”

Representative J. Garcia then requested a roll call vote on this measure.

The motion to pass **H. B. No. 2923-74** on Third Reading was put by the Chair and roll call having been requested, **H. B. No. 2923-74**, having been read throughout, failed to pass Third Reading by a vote of 24 ayes to 24 noes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, A. Chong, W. Chong, Cobb, Fong, Kawakami, Kihano, King,

Kishinami, Kondo, Kunimura, Medina, Nakama, O'Connor, Oda, Saiki, Soares, Wakatsuki, Yamada and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 485-74 on H. B. No. 570, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 570**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 486-74 on H. B. No. 3096-74, as amended, deferred from April 1, 1974:

Representative Suwa moved that the report of the Committee be adopted and **H. B. No. 3096-74**, as amended, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative A. Chong then rose and spoke against the measure as follows:

"Mr. Speaker, this bill establishes the Hawaii Institute for Management and Analysis in Government within the Department of Budget and Finance as a means of providing training to all officers and employees in all branches of the government in Hawaii.

This Institute would really proliferate the agencies involved in this activity. We already have such an organization; namely, the Center for Governmental Development, whose job is to provide training to government employees. Within the Center, the College of Continuing Education and Community Services works in cooperation with the Department of Personnel Services.

The bill appropriates \$250,000 from the General Fund established in the bill and, Mr. Speaker, the taxpayers of Hawaii are already overburdened with the support of bureaucratic overbid. This bill duplicates existing government services and is unnecessary and for those reasons, Mr. Speaker, I urge every member of this House to vote against it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 3096-74**, as amended, having been read throughout, passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Aduja, Carroll, A. Chong, W. Chong, Cobb, J. Garcia, King, Leopold, Oda and Soares voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 487-74 on H. B. No. 2599-74, deferred from April 1, 1974:

Representative Suwa moved that the report of the Committee be adopted and **H. B. No. 2599-74**, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Carroll then rose and spoke against the bill as follows:

"Mr. Speaker, the aquarium which has had tremendously good days in the history of this State is now becoming a political football. There is a strong swell of support for the transfer of the aquarium to the City and County of Honolulu. The University of Hawaii has done virtually nothing with it.

This bill is basically an attempt to create some revenue whereby the University which controls or supposed to be controlling it will be able to come back to the Legislature and say, look what we have done. This is going to be done at the expense of possibly the children of our community and I feel that the entire thrust behind this bill is wrong and I would like to see this bill voted down. I urge all members to vote against it.

Thank you, Mr. Speaker."

Representative King then rose and spoke against the bill as follows:

"Mr. Speaker, it seems to me, again, that it is a matter of wrong priorities. I didn't want to rise to speak against the budget bill though there seems to me, for instance, the commitment of \$6 million now and the potential \$60 million to the West Oahu Campus is a mistake in priorities. It seems to me that in the budget bill, for instance, the four modules for the correction system and more commitment to concrete and steel that will cost \$1.6 million is a mistake in priorities.

Here again, in a State like Hawaii, where the ocean is such an important thing—I spent a lovely Sunday afternoon this past Sunday at the zoo with my daughter, Donna, that's free. What we should be doing is putting more money into the aquarium rather than raising the fee and discouraging people from going. Therefore, I urge the members to vote against this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2599-74**, having been read throughout, passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Aduja, Carroll, King and Leopold voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 488-74 on H. B. No. 2864-74, deferred from April 1, 1974:

On motion by Representative Suwa, second-

ed by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2864-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 489-74 on H. B. No. 2865-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2865-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 490-74 on H. B. No. 2137-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2137-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 491-74 on H. B. No. 2226-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2226-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 492-74 on H. B. No. 563, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 563, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 493-74 on H. B. No. 1548, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 1548, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 494-74 on H. B. No. 2981-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2981-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Repre-

sentatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 495-74 on H. B. No. 2846-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2846-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 496-74 on H. B. No. 3037-74, as amended, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 3037-74, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 497-74 on H. B. No. 2953-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2953-74, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 498-74 on H. B. No. 2747-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 2747-74, having been read throughout, passed Third Reading by a vote of 48 ayes, which was not less than two-thirds of all the members to which the House is entitled, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 499-74 on H. B. No. 2801-74, deferred from April 1, 1974:

Representative Suwa moved that the report of the Committee be adopted and H. B. No. 2801-74, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative W. Chong then rose and stated that he is retired 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 W. Chong was not excused from voting on this measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H. B. No. 2801-74, having been read through-

out, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 500-74 on H. B. No. 2352-74, deferred from April 1, 1974:

Representative Suwa moved that the report of the Committee be adopted and **H. B. No. 2352-74**, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Young then rose and stated that she may be in conflict as her husband is employed by the Fire Department.

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

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2352-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 501-74 on H. B. No. 2709-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2709-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 505-74 on H. B. No. 465, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the majority of the Committee was adopted and **H. B. No. 465**, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Wasai voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 506-74 on H. B. No. 2498-74, deferred from April 1, 1974:

On motion by Representative Wasai, seconded by Representative Young and carried, the report of the Committee was adopted and **H. B. No. 2498-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 507-74 on H. B. No. 2302-74, deferred from April 1, 1974:

Representative Nakama moved that the report of the Committee be adopted and **H. B. No. 2302-74**, having been read throughout, pass Third Reading, seconded by Representative Morioka.

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

"Mr. Speaker, in 1970, this Honorable Body first officially recognized the value of bicycles for both recreational and transportation purposes by passing **House Resolution 274**.

Today, four years later, Hawaii has experienced bicycle's tremendous growth in popularity as the number of registered bicycles has tripled to 80,000 with 100,000 unregistered.

House Bill 2302-74 proposes a partial solution to the fundings—this is by raising the annual bicycle tax from \$1 to \$3, the collected monies to be expended for the purposes of design, improvements, repairs, acquisition, construction and functions of the bikeways.

The Hawaii bikers have demonstrated the willingness to go along with the plan. I urge all members to vote favorably for this bill.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2302-74**, having been read throughout, passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Kawakami and Young voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 508-74 on H. B. No. 342, deferred from April 1, 1974:

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No. 342**, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Wakatsuki voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 509-74 on H. B. No. 1281, deferred from April 1, 1974:

On motion by Representative Kato, seconded by Representative Sakima and carried, the report of the Committee was adopted and **H. B. No. 1281**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 510-74 on H. B. No. 2688-74, deferred from April 1, 1974:

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2688-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 570, 3096-74, 2599-74, 2864-74, 2865-74, 2137-74, 2226-74, 563, 1548, 2981-74, 2846-74, 3037-74, 2953-74, 2747-74, 2801-74, 2352-74, 2709-74, 465, 2498-74, 2302-74, 342, 1281 and 2688-74** had passed Third Reading not earlier than 6:10 o'clock p.m.

At 6:40 o'clock p.m., on request by Representative J. Garcia, the Chair declared a recess, subject to the call of the Chair.

At 6:47 o'clock p.m., the House of Representatives reconvened.

At 6:50 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 8:30 o'clock p.m.

NIGHT SESSION

The House of Representative reconvened at 9:17 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:

H. B. No. 520

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 520** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2651-74

On motion by Representative Yap, seconded by Representative Yuen, **H. B. No. 2651-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2896-74

Representative Medina moved that **H. B. No. 2896-74**, having been read throughout, pass Third Reading, seconded by Representative Morioka.

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

"The purpose of this bill, as amended, Mr. Speaker, is to provide for the mechanism by which the State can work with the visitor industry to coordinate and implement policies to achieve desired goals and objectives. It is hoped a plan we can all live with will come forth from this office.

The present argument in opposition to this bill is that coordination is not urgent, but our detractors agree coordination is needed. The Temporary Visitor Industry

Council, after compiling the thoughts of the Travel Industry Congress in 1970 and the Tourism in Hawaii booklet prepared by the Department of Planning and Economic Development, and doing its own study on tourism in Hawaii, came to the conclusion that a Coordinator advised by a council was indeed necessary. The House Democrats decided to adopt the ideas of the TVIC, Mr. Speaker. Their studies, talks and information point to a well-conceived idea which is reflected in this bill and, I might add, will gain support it needs to pass this House.

The powers given the Tourism Coordinator do not make him or her a czar of tourism. The council which advises the Tourism Coordinator will be asked by this bill to formulate a 10-year controlled growth policy which will be a continuing controlled growth policy.

As you know, tourist facilities such as hotels and condominiums have accelerated the growth of tourism in this State to the point where many of us feel it should be stopped entirely, or some direction should be provided. Your Committee on Tourism wrestled with a few of these problems this session, and from our hearings and meetings with our constituents, a gray area exists if the growth should continue unabated, or seemingly unplanned. The neighbor islands have a chance at realization of conceptual plans for betterment of the industry and we wish to see this crystalized for the entire State.

The bill also calls for consideration of the local citizen—that the industry not only concern itself with the visitor but also plan it so it achieves benefits for the Hawaii State citizen. It calls for housing to be made available before a resort development is approved. The Hawaii Visitors Bureau cannot concern itself with coordination of this type as it is an entity involved with creating visitors to our shores.

The Department of Planning and Economic Development can plan, but it lacks the follow-up power to get others to cooperate. We hope your Tourism Coordinator, backed and advised by a council will come back to us in 1975 with a rough draft of their plans and with a final draft in 1976 so the Legislature can set the policy and create a plan the majority of us can support.

I would certainly urge all in the House to vote for this measure—which is rather like the Ag Coordinator we voted on recently and the Hawaii Hospital Authority we voted on today."

Representative Soares then rose and spoke against the bill as follows:

"Mr. Speaker, I also voted against the Ag Coordinator bill for one of the very same reasons. Here we are again establishing another office in the Governor's Office to do a job that should be done by the Hawaii Visitors Bureau and the Department of Planning and Economic Development.

I do feel that we are constantly striving to improve and to raise our quality of tourism in the State of Hawaii, and I don't think this is the answer because we have spent many years in trying to bring together the Hawaii Visitors Bureau and the industry and total travel oriented programs. I feel we are again embarking on creating a new department, another monster within the Governor's Office, that will be staffing more and more every year.

I urge all members of this House to vote this bill down."

Representative Cobb then rose and stated:

"Mr. Speaker, just one brief observation against the bill.

The new Army definition of a coordinator is a man who has his desk located between two expeditors and it seems of late we are going to have a surplus of that in the Executive Chambers of the State Capitol.

Relating back to the concept of overloading the environment, I think it applies both financially as well as on the fifth floor.

Thank you."

Representative J. Garcia then rose and requested a roll call vote on **H. B. No. 2896-74**.

The motion was put by the Chair and carried, and the report of the Committee was adopted, and roll call having been requested, **H. B. No. 2896-74**, having been read throughout, passed Third Reading by a vote of 30 ayes to 18 noes, with Representatives Aduja, Ajifu, Aki, Amaral, Carroll, W. Chong, Cobb, J. Garcia, R. Garcia, Leopold, Medeiros, Nakama, Oda, Poepoe, Saiki, Soares, Yamada and Yim voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2738-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 2738-74** passed Third Reading by a vote of 48 ayes, with Representative Iha, Uechi and Wedemeyer being excused.

H. B. No. 3026-74

On motion by Representative Kato, seconded by Representative Sakima and carried, **H. B. No. 3026-74** was recommitted to the Committee on

Public Health and Welfare.

H. B. No. 2378-74

On motion by Representative Kato, seconded by Representative Sakima and roll call having been requested, **H. B. No. 2378-74** passed Third Reading by a vote of 40 ayes to 8 noes, with Representatives Aduja, W. Chong, Cobb, J. Garcia, Medeiros, Poepoe, Saiki and Soares voting no and Representatives Iha, Uechi and Wedemeyer being excused.

At 9:20 o'clock p.m., on request by Representative J. Garcia, the Chair declared a recess, subject to the call of the Chair.

At 9:21 o'clock p.m., the House of Representatives reconvened.

H. B. No. 2971-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 2971-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2977-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 2977-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 3048-74

On motion by Representative Kato, seconded by Representative Sakima, **H. B. No. 3048-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 692

On motion by Representative Wasai, seconded by Representative Young, **H. B. No. 692** passed Third Reading by a vote of 47 ayes to 1 no, with Representative Kunimura voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 1367

On motion by Representative Wasai, seconded by Representative Young, **H. B. No. 1367** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 1643

On motion by Representative Roehrig, seconded by Representative Kihano and carried, **H. B. No. 1643** was recommitted to the Committee on Agriculture.

H. B. No. 2245-74

On motion by Representative Yap, seconded by Representative Kihano, **H. B. No. 2245-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2052-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2052-74** passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Cobb, R. Garcia and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2167-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2167-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2406-74

On motion by Representative Roehrig, seconded by Representative Lunasco, **H. B. No. 2406-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

At 9:33 o'clock p.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

At 9:34 o'clock p.m., the House of Representatives reconvened.

H. B. No. 690

Representative Ushijima moved that action on **H. B. No. 690** on Third Reading be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

H. B. No. 2750-74

On motion by Representative Lee, seconded by Representative Takamine, **H. B. No. 2750-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 1843

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 1843** passed Third Reading by a vote of 37 ayes to 11 noes, with Representatives Amaral, Carroll, Cobb, Fong, J. Garcia, R. Garcia, Kato, King, Leopold, Yamada and Yuen voting no and Representatives Iha, Uechi and Wedemeyer being excused.

At 9:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 9:37 o'clock p.m., the House of Representatives reconvened.

The Chair directed the Clerk to note that **H. B. Nos. 520, 2651-74, 2896-74, 2738-74, 2378-74, 2971-74, 2977-74, 3048-74, 692, 1367, 2245-74, 2052-74, 2167-74, 2406-74, 2750-74 and 1843** had passed Third Reading not earlier than 9:18 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 514-74 on **H. B. No. 2455-74**, as amended, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2455-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 515-74 on **H. B. No. 445**, as amended, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 445**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 516-74 on **H. B. No. 1387**, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the majority of the Committee was adopted and **H. B. No. 1387**, having been read throughout, passed Third Reading by a vote of 43 ayes to 5 noes, with Representatives A. Chong, Cobb, Fong, King and Leopold voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 517-74 on **H. B. No. 358**, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, **Stand. Com. Rep. No. 517-74** and **H. B. No. 358, H. D. 1** were recommitted to the Committee on Finance.

Stand. Com. Rep. No. 524-74 on **H. B. No. 2626-74**, as amended, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2626-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 525-74 on **H. B. No. 2376-74**, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2376-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 526-74 on H. B. No. 2256-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2256-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 527-74 on H. B. No. 2276-74, as amended, deferred from April 1, 1974:

Representative Kawakami moved that the report of the Committee be adopted and **H. B. No. 2276-74**, as amended, having been read throughout, pass Third Reading, seconded by Representative A. Chong.

Representative King then rose and stated as follows:

"Mr. Speaker, just for the record, I would like to clarify that the Chairman of the Committee has indicated that the federal environmental impact statement referred to in the bill—is that required under the National Environmental Policy Act and that the sand will belong to the State."

Representative J. Garcia then rose on a point of order and stated:

"Mr. Speaker, is the lady speaking for or against the measure?"

Representative King replied that she is speaking for the measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2276-74**, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Cobb voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 528-74 on H. B. No. 2263-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2263-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 529-74 on H. B. No.

2264-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2264-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 533-74 on H. B. No. 2425-74, as amended, deferred from April 1, 1974:

On motion by Representative Roehrig, seconded by Representative Kihano and carried, the report of the Committee was adopted and **H. B. No. 2425-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 535-74 on H. B. No. 1447, deferred from April 1, 1974:

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 1447**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 536-74 on H. B. No. 2059-74, as amended, deferred from April 1, 1974:

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2059-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 537-74 on H. B. No. 2541-74, deferred from April 1, 1974:

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2541-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 538-74 on H. B. No. 2544-74, deferred from April 1, 1974:

On motion by Representative Young, seconded by Representative Kunimura and carried, the report of the Committee was adopted and **H. B. No. 2544-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 539-74 on H. B. No. 2255-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2255-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 540-74 on H. B. No. 2150-74, deferred from April 1, 1974:

Representative Kawakami moved that the report of the majority of the Committee be adopted and **H. B. No. 2150-74**, having been read throughout, pass Third Reading, seconded by Representative Lunasco.

Representative A. Chong then rose and spoke against the bill as follows:

"Mr. Speaker, there are various weak points in this bill. I would just like to touch upon two of the major bad points.

First, this bill would enable the Department of Land and Natural Resources to transport already established animal species; for example, the axis deer, from one island to another or from one part of the island to another part without—I repeat, without—input from the Advisory Commission. Under the present law, before the Department can introduce animals into the State, or from one area to another, the introduction must be recommended by the Fish and Game Division and authorized by the rules and regulations of the Department.

This bill eliminates the second stipulation and, in effect, the second stipulation being the authorization by the rules and regulations of the Department and, therefore, in effect, relieve the Department of following its own rules and regulations in the matter of animal introduction.

For the above reasons, I urge the members of this Honorable Body to vote against this bill."

Representative King then rose and spoke against the bill as follows:

"Mr. Speaker, in the first place, a detrimental amendment is the change of 'shall' to 'may' on page 2, line 13. The original Act read 'the Animal Species Advisory Commission shall advise the Fish and Game Division on any matter affecting fishing, hunting and fish and wildlife conservation, including proposed rules and regulations.' This House draft not only changes the 'shall' to 'may' but to me has, at the request of the Board, so it may only do that only at the request of the Board.

Just as the Legislature originally intended by Act 185, it should be mandatory that all,

not just some matter as critical as those relating to the further introduction or spread possible of exotic game mammals and birds in Hawaii be first considered by the Commission.

Another upsetting change in this bill is the change of the word 'area' to 'island.' It would mean that animals already established on one end of an island could be transferred to all other parts of that island without the matter having to be referred to the Commission even though the original idea was to limit the introduced animals to one isolated portion of an island.

It seems to me another dangerous and unwarranted deletion is on page 3, lines 6 and 7 where, in terms of introduction from either outside of the State or in terms of transfer from one island to another, bracketed out, is the safeguard provided by the words 'and authorized by rules and regulations of the Department of Land and Natural Resources promulgated pursuant to Chapter 91' so that protection is removed.

Also, when the Act was originally proposed, the Conference Committee report said that conference discussion centered around two or three general issues. One of the major ones of which was whether the Advisory Commission of 13 members with only 6 scientists would tend to submerge the expertise of these scientists and thereby dilute the conservation effects of the bill, and the Conference Committee at that time decided that the membership of the Animal Species Advisory Commission would be decreased from 13 to 11 members, thereby giving the scientists the majority vote on the Commission. This has also been changed. Therefore, I would urge the members of this House to vote against this bill."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and **H. B. No. 2150-74**, having been read throughout, passed Third Reading by a vote of 39 ayes to 9 noes, with Representatives A. Chong, Cobb, R. Garcia, Hapai, King, Leopold, Saiki, Wong and Yim voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 541-74 on H. B. No. 2253-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2253-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 542-74 on H. B. No. 1470, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 1470**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 545-74 on H. B. No. 2330-74, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2330-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 546-74 on H. B. No. 2080-74, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2080-74**, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Ajifu voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 547-74 on H. B. No. 2860-74, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2860-74**, as amended, having been read throughout, passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Aduja, Ajifu and J. Garcia voting no and Representatives Iha, Uechi and Wedemeyer being excused.

At 9:51 o'clock p.m., on request by Representative J. Garcia, the Chair declared a recess, subject to the call of the Chair.

At 9:53 o'clock p.m., the House of Representatives reconvened.

Stand. Com. Rep. No. 548-74 on H. B. No. 2749-74, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the majority of the Committee was adopted and **H. B. No. 2749-74**, having been read throughout, passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Cobb and Takamine voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 550-74 on H. B. No. 719, deferred from April 1, 1974:

On motion by Representative Yap, seconded by Representative Yuen and carried, the report of the Committee was adopted and **H. B. No. 719**,

having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Carroll voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 551-74 on H. B. No. 3005-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 3005-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 552-74 on H. B. No. 2254-74, deferred from April 1, 1974:

On motion by Representative Kawakami, seconded by Representative A. Chong and carried, the report of the Committee was adopted and **H. B. No. 2254-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 866, deferred from April 1, 1974:

On motion by Representative Lee, seconded by Representative Takamine, **H. B. No. 866**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 556-74 on H. B. No. 2067-74, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the majority of the Committee was adopted and **H. B. No. 2067-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 557-74 on H. B. No. 3051-74, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and roll call having been requested, **H. B. No. 3051-74**, having been read throughout, passed Third Reading by a vote of 41 ayes to 7 noes, with Representatives Ajifu, Aki, Amaral, W. Chong, J. Garcia, Medeiros and Soares voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 558-74 on H. B. No. 2888-74, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2888-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with

Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 559-74 on H. B. No. 2547-74, as amended, deferred from April 1, 1974:

Representative Wakatsuki moved that the report of the Committee be adopted and **H. B. No. 2547-74**, as amended, having been read throughout, pass Third Reading, seconded by Representative Kato.

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

"Mr. Speaker, I realize this ground has been gone over somewhat thoroughly, but it is disappointing that that section which was included in your bill which provides for injunctive relief where there are violations of this particular Act is not included and it has been said and urged that this is not necessary and that we can leave this prerogative to the courts. The very guts of this bill lies in the power of the citizen to come forward and get injunctive relief without what may be rather heavy or rather large hurdles legally to be jumped.

In spite of the fact of this failing in the bill, I would recommend that it be passed.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and **H. B. No. 2547-74**, as amended, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 560-74 on H. B. No. 2681-74, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2681-74**, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 2455-74, 445, 1387, 358, 2626-74, 2376-74, 2256-74, 2276-74, 2263-74, 2264-74, 2425-74, 1447, 2059-74, 2541-74, 2544-74, 2255-74, 2150-74, 2253-74, 1470, 2330-74, 2080-74, 2860-74, 2749-74, 719, 3005-74, 2254-74, 866, 2067-74, 3051-74, 2888-74, 2547-74 and 2681-74** had passed Third Reading not earlier than 9:40 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:

H. B. No. 3055-74

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, **H. B. No. 3055-74** was recommitted to the Committee on Judiciary and Corrections.

H. B. No. 2594-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2594-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. No. 2594-74** had passed Third Reading at 9:45 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

H. B. No. 690 on Third Reading:

Representative Lee moved that **H. B. No. 690**, having been read throughout, pass Third Reading, seconded by Representative Takamine.

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

"Mr. Speaker, the substance of this bill has to do with the Hawaii Public Employment Relations Board staff; in other words, the HPERB staff.

The purpose of this bill is to put them on civil service status except for the Executive Director. Also, it adds two investigatory positions along with an appropriation of \$50,000 which incidentally was made independently by the Committee on Labor and Public Employment.

However, Mr. Speaker, the real issue of this bill is not the substance of this bill, not including the \$50,000 listed in this bill. The real issue is that of prior concurrence according to the new House rules. The Committee on Labor and Public Employment is one of the, if not the only Committee in this House, that has not had one dollar to spend this session. In fact, until Friday, 2 p.m., there was no input by this Committee in spite of the fact that a whole list of bills passed by this Committee to the Committee on Finance was already presented to the Chairman of Finance."

The Chair, at this time, interrupted and stated:

"Representative Lee, will you please confine yourself to the bill."

Representative Lee replied:

"Mr. Speaker, well, that's the issue of it."

The Chair responded:

"That's not the issue. Will you confine yourself to the bill, **H. B. 690, H. D. 1**, please."

Representative Lee continued:

"You're locking me in, Mr. Speaker. Well, the point I want to bring out is that in spite of what the vote may be, as Chairman of this Committee, I do not intend to be a rubber stamp. I intend to follow the House rules, especially the new House rules on prior concurrence. So, as captain of this ship here, whether votes come in or not, I am going to fight to the end even if I have to go down with the ship. Those of you who want to conserve this principle of prior concurrence may come along. Those of you who don't—that's perfectly all right.

Mr. Speaker, roll call."

Representative Suwa then rose and stated as follows:

"I think the issue here is the merits of the bill. In reference to that \$50,000, this particular bill has never been discussed with me but I think I had an occasion of saying that under collective bargaining, 22 million plus dollars has gone into public employment.

As we more or less operate on an allotment system, I ask the members to vote this bill down."

Representative Cobb then rose and stated as follows:

"Mr. Speaker, in brief observation, I agree with the Chairman of the Committee on Labor and Public Employment on the principle of prior concurrence; nevertheless, on the merit of the particular bill, putting some individuals in civil service status without examination, I intend to vote no."

Representative Lee then rose on a personal point of privilege and stated:

"I would like to say I am very happy in spite of the vote that may come out that this bill has served its purpose. Some of the HGEA bills that may have been killed in Finance has already passed Third Reading, so this bill has already served its purpose.

Thank you, Mr. Speaker."

At 10:05 o'clock p.m., on request by Representative Yim, the Chair declared a recess, subject to the call of the Chair.

At 10:07 o'clock p.m., the House of Representatives reconvened.

The motion was put by the Chair and roll call having been requested, **H. B. No. 690**, having been read throughout, failed to pass Third Reading by a vote of 10 ayes to 38 noes with Representatives Aduja, Ajifu, Aki, Akizaki, Amaral, Carroll, A. Chong, W. Chong, Cobb, de la Cruz, Fong, J. Garcia, Hapai, Kawakami, Kihano, Kimura, King, Kishinami, Kondo, Kunimura, Leopold, Medeiros, Medina, Morioka, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Ushijima, Wakatsuki, Yamada, Yap, Yuen and Beppu voting no and Representatives Iha, Uechi and Wedemeyer being excused.

THIRD READING

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

H. B. No. 1551

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 1551** passed Third Reading by a vote of 47 ayes to 1 no, with Representative R. Garcia voting no and Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 3056-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 3056-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 3057-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 3057-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 676

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 676** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2771-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2771-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2396-74

On motion by Representative Wakatsuki, seconded by Representative Kato, **H. B. No. 2396-74** passed Third Reading by a vote of 42 ayes to 6 noes, with Representatives Cobb, R. Garcia, King, Kunimura, Leopold and Wong voting no and

Representatives Iha, Uechi and Wedemeyer being excused.

H. B. No. 2859-74

On motion by Representative Roehrig, seconded by Representative Kihano, **H. B. No. 2859-74** passed Third Reading by a vote of 48 ayes, with Representatives Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 1551, 3056-74, 3057-74, 676, 2771-74, 2396-74 and 2859-74** had passed Third Reading not earlier than 10:09 o'clock p.m.

At 10:15 o'clock p.m., on request by Representative Nakama, the Chair declared a recess, subject to the call of the Chair.

At 10:21 o'clock p.m., the House of Representatives reconvened.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 570-74 on H. B. No. 2682-74, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2682-74**, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative R. Garcia voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 571-74 on H. B. No. 2436-74, deferred from April 1, 1974:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and **H. B. No. 2436-74**, having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative R. Garcia voting no and Representatives Iha, Uechi and Wedemeyer being excused.

Stand. Com. Rep. No. 575-74 on H. B. No. 2813-74, deferred from April 1, 1974:

Representative Lee moved that the report of the Committee be adopted and **H. B. No. 2813-74**, having been read throughout, pass Third Reading, seconded by Representative Nakama.

Representative Takamine then rose and stated:

"My reason for not voting for this bill is that in trying to help the minors or the students, we are taking away their rights, the workmen's compensation right that they do have now which means that if the child does get hurt, is crippled, he would lose his rights now and also in the future.

The philosophy of the workmen's com-

pensation is that you compensate the particular person if he is hurt on the job for today and for tomorrow. That is the reason for my voting no on this particular bill."

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

"This bill promotes certain programs like the Liliuokalani Trust in my district here and that is to help students and other young people who are not used to working and to encourage them to develop some work habits. So these programs do pay them at least minimum wage.

However, the problem is that a load of them do not stay more than a few weeks and sometimes a few days. It is very inconvenient for these institutions to promote this program because of the inconvenience of the laws of this State regarding employment like workmen's compensation, unemployment, et cetera. Their desire is to promote this program even though there is a certain amount of risk that the kids will not enjoy the full benefits as other workers do. So that is the choice between one side or the other.

Thank you very much, Mr. Speaker."

Representative Roehrig then rose and spoke against the passage of the bill as follows:

"In Hilo, Mr. Speaker, we have Rainbow Crafts which has a program where some of the people who participate do engage in some handicraft work which is of some benefit to the community and they are able to earn a little bit of money while they are working and while they are making themselves useful. I am afraid that under this bill, those individuals, many of whom are more prone to get hurt than the average working man would be denied the right to get workmen's compensation."

Representative Lee then rose and stated:

"Mr. Speaker, to allay the fears of Representative Roehrig, this bill, I forgot to mention, has a control factor. The Department of Social Services must approve these programs so programs of that nature, I am certain, the Department of Social Services would disapprove.

Thank you very much."

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

The motion was put by the Chair and roll call having been requested, **H. B. No. 2813-74**, having been read throughout, failed to pass Third Reading by a vote of 34 noes to 13 ayes, with Representatives Aduja, Ajifu, Aki, Cobb, King, Lee, Nakama, Oda, Poepoe, Saiki, Sakima, Yim

and Yuen voting aye and Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

The Chair then directed the Clerk to note that **H. B. Nos. 2682-74 and 2436-74** had passed Third Reading not earlier than 10:22 o'clock p.m.

At 10:29 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

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

THIRD READING

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

H. B. No. 2095-74

On motion by Representative Suwa, seconded by Representative Akizaki, **H. B. No. 2095-74** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

H. B. No. 2636-74

On motion by Representative Lee, seconded by Representative Takamine and carried, **H. B. No. 2636-74** was recommitted to the Committee on Labor and Public Employment.

H. B. No. 390

On motion by Representative Wasai, seconded by Representative Young, **H. B. No. 390** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

H. B. No. 1691

On motion by Representative Lee, seconded by Representative Takamine, **H. B. No. 1691** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

At 10:32 o'clock p.m., on request by Representative Takamine, the Chair declared a recess, subject to the call of the Chair.

At 10:33 o'clock p.m., the House of Representatives reconvened.

H. B. No. 2793-74

On motion by Representative Nakama, seconded by Representative Morioka and carried, **H. B. No. 2793-74** was recommitted to the Committee on Transportation.

H. B. No. 2691-74

On motion by Representative Nakama, second-

ed by Representative Morioka, **H. B. No. 2691-74** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

H. B. No. 2586-74

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, **H. B. No. 2586-74** was recommitted to the Committee on Judiciary and Corrections.

H. B. No. 3097-74

On motion by Representative Kawakami, seconded by Representative A. Chong, **H. B. No. 3097-74** passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. Nos. 2095-74, 390, 1691, 2691-74 and 3097-74** had passed Third Reading not earlier than 10:31 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 581-74 on **H. B. No. 2900-74**, as amended, deferred from April 1, 1974:

On motion by Representative Wakatsuki, seconded by Representative Kato and carried, the report of the Committee was adopted and **H. B. No. 2900-74**, as amended, having been read throughout, passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Cobb and Yuen voting no and Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

The Clerk directed the Clerk to note that **H. B. No. 2900-74** had passed Third Reading at 10:35 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Wakatsuki moved that **Stand. Com. Rep. No. 586-74** on **H. B. No. 3090-74**, **H. D. 1** be recommitted to the Committee on Judiciary and Corrections and substitute therefor **Stand. Com. Rep. No. 589-74**, seconded by Representative Kato and carried.

At 10:37 o'clock p.m., on request by Representative Kato, the Chair declared a recess, subject to the call of the Chair.

At 10:41 o'clock p.m., the House of Representatives reconvened.

Representative Wakatsuki then moved that **Stand. Com. Rep. No. 589-74** be adopted, seconded by Representative Kato.

At this time, Representative J. Garcia rose and stated:

"Just before we move to have the vote for

the adoption of the Standing Committee Report, will the Chairman of the Judiciary and Corrections Committee please explain the significant differences between the **Standing Committee Report 586-74** which was recommitted and the present **Standing Committee Report 589-74** reposing before us."

Representative Wakatsuki responded:

"On page 2 of the **Standing Committee Report 589-74**, under paragraph 3, spending exemptions, therein we clarified the Committee's intent. The thrust of it says that the Committee's intent is for the Commission to promulgate rules and regulations in regulating the section pertaining to social affairs; that is, Section 11-203.2. Therein we said that the Commission ought to have rules and regulations to limit these social affairs to no more than one hundred people and the place of the gathering to private homes and community social halls. This is to keep within the intent of the Commission and the Committee.

On page 3 of the new Committee Report, paragraph 6, new provisions governing allocation of expenditures, effective date of expenditures, and changes in the authorized limits, that has been clarified further in detail."

Representative J. Garcia then asked whether or not the Chairman of the Judiciary and Corrections Committee would yield to questions, to which Representative Wakatsuki replied in the affirmative.

Representative J. Garcia then inquired:

"Will the intent, as contained in the Committee Report, actually reflected in the law upon which we will vote tonight?"

Representative Wakatsuki replied:

"The language in the Committee Report is not expressly stated in the measure, Mr. Speaker. However, because it is not expressly stated in the measure itself, the Committee saw fit to amend the Committee Report to direct the Commission to take the steps under the present law. The Commission has rule-making authority."

Representative J. Garcia further inquired:

"Despite the explanation, is it not true, however, that if the law is in question and is contested, the intent of the Committee Report does not take effect, but that they do exactly what the law states. The only time that the Standing Committee Report comes into effect or the intent of the Standing Committee Report comes into effect, is when the law is questionable. Is that not true?"

Representative Wakatsuki replied:

"Mr. Speaker, if, in administering the law, the Commission is in doubt as to how to apply the law in a given situation, the Committee Report would clarify the intent and through this Committee Report, the Commission will file the Committee's intent here or the Legislature's intent and, therefore, would be almost bound to promulgate such rules and regulations."

Representative J. Garcia then stated:

"Mr. Speaker, that is purely speculation. Is it not true, Mr. Wakatsuki, that you corrected only the Committee Report rather than the bill because if you had taken the bill back, it would have been dead."

Representative Wakatsuki replied:

"The bill may not have been dead but this is to facilitate the movement to get this measure across to the Senate, Mr. Speaker, in time for the Senate to consider the House amendments and the House intent by reading the Committee Report.

It is my understanding that the Senate also have their own amendments that they would like the House to consider. But this is the understanding that the leadership has had and also my understanding with the Chairman of the Judiciary Committee in the Senate."

Representative J. Garcia concluded:

"Thank you, I think my questions have been answered."

Representative Wong then rose and spoke against the adoption of the Committee Report as follows:

"Mr. Speaker, I think it is a basic knowledge raised by the Minority Floor Leader that the Committee Report does not meet any test of law only in those cases where the law is very nebulous.

In this particular instance, Mr. Speaker, the law under Section 11-203.2, is very explicit in that it says that all the expenses incurred at these social affairs shall not be considered. It does not say 'may', it says 'shall not be considered.' Therefore, Mr. Speaker, I think it is common knowledge in this Honorable Body that, in a test of law, the courts would have to go back to the law, as drafted, and not to the Committee Report or whatever the intent is of the Committee.

Therefore, Mr. Speaker, I think this Committee Report is not truly reflective of Section 11-203.2.

Thank you, Mr. Speaker.”

Representative O'Connor then rose and inquired whether or not Representative Wong would yield to a question to which Representative Wong replied in the affirmative.

Representative O'Connor then inquired:

“Can the prior speaker find for me in the bill a definition of ‘social affair for the benefit of a candidate?’”

Representative Wong replied:

“I must take this social affair bit back. I am sorry, it deals with the cost of food in Section 11-203. I stand corrected.”

Representative O'Connor then stated:

“Mr. Speaker, I rise to speak in favor of the bill. The very reason that the last speaker could not answer my question . . .”

At this point, Representative J. Garcia interrupted and stated:

“Point of order, Mr. Speaker, the bill or the Committee Report?”

Representative O'Connor continued:

“I stand corrected. The very reason that the prior speaker could not answer my question makes it mandatory that this new Standing Committee Report be adopted because it does specify the reasons for interpreting the language of Section 11-203.2. More particularly, it will define the words ‘social affair for the benefit of a candidate’ so these words can be interpreted later by a court. ‘Social affair for the benefit of a candidate’ is nowhere defined in the bill. Therefore, 203.2 needs definition in the Standing Committee Report and **Standing Committee Report 589-74** does give that definition.”

Representative Wong then rose and stated:

“Mr. Speaker, if I might respond to our Majority Leader, contained in the revised Committee Report, I think it is very clear what the intent here is relative to Section 11-203.2 in that Section 11-203.2 applies only to small coffee hours and other small social affairs.

In the new revised Committee Report, Mr. Speaker, I think it is clearly defined and we know what we're talking about.”

Representative Cobb then rose and stated:

“Mr. Speaker, in response to some of the remarks of the previous speakers, I would like to point out the ultimate tests . . .”

At this point, Representative Roehrig rose and stated:

“Mr. Speaker, I was just going to rise on a point of order because the previous speaker had not stated whether he was going to speak for or against the motion.”

The Chair then asked Representative Cobb to state his point.

Representative Cobb continued:

“Thank you, Mr. Speaker, again I state I am rising to speak against the motion. That is a well-founded matter of law that the bill that passes is the ultimate test, not the Committee Report and that there is nothing, I repeat, nothing, to prevent the Senate from slapping on a totally different Committee Report and passing this bill, identical as it is, and then leaving the interpretation up to the Campaign Spending Commission with two widely divergent Committee Reports to deal with.

The defects are in the bill as much as it is in the Committee Report and both need to be amended. Therefore, I urge that we do not adopt this Committee Report.”

Representative Wong then rose and requested a roll call vote on the adoption of the Committee Report.

The motion to adopt **Standing Committee Report No. 589-74** was put by the Chair and roll call having been requested, **Standing Committee Report No. 589-74** was adopted by a vote of 31 ayes to 16 noes, with Representatives Ajifu, Aki, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, King, Lee, Leopold, Lunasco, Soares, Wasai, Wong, Yim and Yuen voting no and Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

Representative Wakatsuki then moved that **H. B. No. 3090-74, H. D. 1**, having been read throughout, pass Third Reading, seconded by Representative Takamine.

Representative Wong then offered the following amendment to **H. B. No. 3090-74, H. D. 1**:

“Section 1 of **House Bill 3090-74, H. D. 1** is amended by deleting lines 9 to 16 on page 16a.”

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

At 10:55 o'clock p.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

At 10:56 o'clock p.m., the House of Representatives reconvened.

Representative Wong then rose and spoke in favor of the amendment as follows:

"Mr. Speaker, the purpose of the amendment is to delete Section 11-203.2 which appears on page 16a from **House Bill 3090-74, H. D. 1**. The section which the amendment proposes to delete is a short section which reads as follows:

'Section 11-203.2. Cost of Food. The cost of food, beverages, plates, cups, napkins, eating utensils, decorations, catering service and other reasonable expenses necessary for a social affair for the benefit of a candidate and not designated to directly raise funds for or to provide meals or refreshments for individuals volunteering their time on behalf of a candidate, committee or party shall not be considered expenditures within the limitations set by Section 11.203.2.'

Mr. Speaker, I have tried to determine what the intent of the section is and the Committee Report—the newly submitted one—makes various attempts to ask the Spending Committee to promulgate rules and regulations to limit the number of people attending such social affairs.

Mr. Speaker, it may be a good thing to exclude such affairs as coffee hours from campaign expenditures but the problem, as I see it, is that the new section doesn't limit the exclusion to just these coffee hours and I am referring, Mr. Speaker, particularly, not with the Committee Report, but with what is stated in the particular section. In fact, if one reads the language of the section very carefully, Mr. Speaker, it seems to be pretty wide open. The way it reads, the words 'social affair for the benefit of a candidate' could mean a coffee hour, but I think it could also mean big parties for hundreds of people or even thousands and any number of persons. I think there is a distinction to be made between a coffee hour for 20 to 100 persons at someone's home on the one hand from the big blast at the HIC on the other. The problem with the section as written is that it makes no such distinction. This seems to be a big loophole. I think we need to remember why we supported the law to regulate campaign contributions and expenditures.

On the expenditure side, one of the objectives is to prevent candidates from buying elections. This means keeping the lid on expenditures as best we can and to define such expenditures. Once we begin to loosen up the definition of expenditures and build in more exclusions, we defeat the very basic purpose of the law. Therefore, Mr. Speaker, I would urge that we delete the new Section 11-203.2 and the following amendment accomplishes this. I urge the members of the House to support this amendment.

Thank you, Mr. Speaker."

Representative A. Chong then rose and spoke for the adoption of the amendment as follows:

"Mr. Speaker, this section allows costs for food and the like incurred at a social affair for the benefit of a candidate and not designed to directly raise 'funds' for him are to be exempted from the expenditure limitation. The effect of this will be to allow the candidate to hold an unlimited number, I repeat, unlimited number, of these 'social events.' This would be an enormous loophole.

Although the concept of exempting coffee hours is a good one, this section opens the door far too wide. Such a provision would gut the whole idea of expenditure limitations. If this section stays, the bill should be voted down.

I urge the Honorable members to vote for the amendment."

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

"Mr. Speaker, the Campaign Commission, in its wisdom, urged upon this Body which is contained in Section 11-203.2 for a good reason. The reason is that the coffee hour as we've come to know them in campaigning, makes a situation which is almost impossible to gauge expense-wise from time to time. The coffee, doughnuts and other materials for the coffee hour are provided by host in homes and candidates often have dozens of this coffee hours during the course of the campaign.

The key word in Section 11-203.2 which caused some concern are the words 'social affair for the benefit of a candidate.' Nowhere in the bill are these words defined. Therefore, Mr. Speaker, by construction, it is mandatory that these words be explained and defined in the Committee Report. The Chairman and the Committee on Judiciary and Corrections have wisely revised the Committee Report and we have just a few minutes ago adopted it.

Defining specifically what 'social affair for the benefit of a candidate' means in Section 11-203.2, any court reviewing this matter and anyone reviewing the matter in the future will look to our Committee Report since we are the first to pass this bill for an interpretation of the words contained in this section. There is no doubt from the Committee Report what the words 'social affair for the benefit of a candidate' means. They mean a small coffee hour or small social affair and the limitations are included in the Committee Report for use by the Commissioner adopting rules and regulations pursuant to the bill in the future.

Therefore, if the intent of the Campaign Commission is to be carried out and coffee hours are to be allowed in a non-expense situation, then these words are necessary and certainly the content of the Committee Report thoroughly explains the words used in Section 11-203.2 and there can be no problem in the future.

Therefore, I would urge that the amendment be defeated, that Section 11-203.2 be retained as defined in the Committee Report."

Representative Wakatsuki then spoke against the amendment as follows:

"In addition to what the Majority Leader has expressed, the Committee and the Chairman are satisfied, Mr. Speaker, after speaking with the Commission's special attorney to satisfy the Committee members' minds and my mind as to what the intent was when they proposed the exact language in the particular measure before us. They had indicated that it was their intent to define social affairs as being the small limited coffee hours.

Under the present law, if the section is deleted as proposed by the amendment, the law does not exempt from expenditure limitation these expenses for non-fund raising political social affairs which contributes to voter education. The Commission felt that if we did not have the present language as proposed by the Commission, they will find it very impractical and very difficult for the candidate himself to accept coffee hours or small social gatherings and then ask the host how much did you spend on this pastry or that pastry; what was your cost. The host would probably try to accommodate the candidate by saying, look I'm doing this because I believe in you; don't worry about the cost; I'm not going to take out anything fancy or expensive; I'm going to bake my own cookies or bake my own cake. But then, the candidate must insist that if you do that, you still must tell me what price or what cost went into it under the law—I must report this kind of expenditures. So, in its wisdom, the Commission recommended this language and I will admit that the Commission's counsel did not define social affairs in the section, and therefore, in so defining it, the Committee expressed its intent in the Committee Report for the Commission to be decided by its application of this particular section."

Representative Wong then rose and inquired whether or not the Chairman of Judiciary and Corrections would yield to a question to which Representative Wakatsuki replied in the affirmative.

Representative Wong then inquired:

"Mr. Speaker, the Chairman of Judiciary and Corrections referred to someone in the Spending Committee organization who discussed this matter with him. I would like to find out who that particular individual is."

Representative Wakatsuki responded:

"The special counsel for the Commission is Mr. Herbert Tom who testified before the Committee."

Representative Wong, at this time, requested a roll call vote on this measure.

Representative Kato then rose and, upon being recognized by the Chair, inquired:

"Point of information directed to the Chairman. Where, in the Committee Report, Mr. Chairman, is the definition of 'social affair'?"

Representative Wakatsuki replied:

"The definition of 'social affairs' is defined to be 'social gathering to no more than one hundred people and the place of gathering to private homes and social community halls.'"

Representative Cobb then rose and stated:

"One brief observation. Again, going back to what is small and what will happen in the other Body, Mr. Speaker, this House may consider one hundred to be a small gathering; the Senate may consider one thousand to be a small gathering and again we would have a disparity in Committee Reports."

The motion to adopt the amendment was put by the Chair and roll call having been requested, the amendment to **H. B. No. 3090-74, H. D. 1** failed to carry by a vote of 30 noes to 17 ayes, with Representatives Ajifu, Aki, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, Kato, King, Lee, Leopold, Lunasco, Soares, Wasai, Wong, Yim and Yuen voting aye and Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

The motion to pass **H. B. No. 3090-74, H. D. 1** on Third Reading was put by the Chair and roll call having been requested, **H. B. No. 3090-74** passed Third Reading by a vote of 30 ayes to 17 noes, with Representative Ajifu, Aki, A. Chong, W. Chong, Cobb, J. Garcia, R. Garcia, Kato, King, Lee, Leopold, Lunasco, Soares, Wasai, Wong, Yim and Yuen voting no and Representatives Carroll, Iha, Uechi and Wedemeyer being excused.

The Chair directed the Clerk to note that **H. B. No. 3090-74** had passed Third Reading at 11:11 o'clock p.m.

At 11:12 o'clock p.m., on request by Representative Suwa, the Chair declared a recess, subject to the call of the Chair.

At 11:13 o'clock p.m., the House of Representatives reconvened.

COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

S. B. No.	Re-referred to:
323	Committee on Higher Education

1746-74 Committee on Federal-State-County

2004-74 Committee on Judiciary and Corrections

ADJOURNMENT

At 11:15 o'clock p.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, April 3, 1974.