

## THIRTY-SECOND DAY

Friday, February 28, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Guillermo Gorospe of St. Theresa Church, after which the Roll was called showing all members present with the exception of Representatives Ajifu, Amaral, Machida, Mizuguchi, Peters, Sakima, Santos, Segawa and Stanley, who were excused.

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

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 53 and 54) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 53) informing the House that H.B. No. 171 has been signed into law as Act 2 on February 26, 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 54) transmitting copies of a report prepared by the University of Hawaii in response to S.C.R. No. 14-4 and S.R. No. 51-74, Relating to the Establishment of a Filipino Studies Program at the University of Hawaii, was placed on file.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 18) transmitting Senate Concurrent Resolution No. 84 expressing appreciation to Yukio Naito, former Deputy Legislative Auditor, State of Hawaii, for distinguished public service which was adopted by the Senate on February 27, 1975,

was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.C.R. No. 84 was adopted.

## MISCELLANEOUS COMMUNICATION

The following communications (Misc. Com. Nos. 8 to 10) were read by the Clerk and were disposed of as follows:

A communication from Fowler C. West, Staff Director, Committee on Agriculture, U.S. House of Representatives, acknowledging receipt of H.C.R. No. 20, was placed on file.

A communication from the Honorable Patsy T. Mink, Congresswoman (Misc. Com. No. 9) acknowledging receipt of H.R. No. 232, was placed on file.

A communication from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of H.C.R. No. 20, was placed on file.

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

Representative Takamura introduced 1st grade students from Kuhio School who were accompanied by their teacher Ms. Martha Ojima.

Representative Kiyabu introduced 22 4th grade students from Liholiho School and their teacher, Ms. Doris Uchida.

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:43 o'clock a.m.

Representative Yuen introduced 50 8th grade students from Kailua Intermediate School who were accompanied by their teacher, Mrs. Kamaile Schultz, and chaperones, Mrs. Caldwell, Mrs. Moody and Mrs. Thomas.

Representative Sutton introduced Mr. & Mrs. Kooleymeyer from Scottsdale,

Arizona.

Representative Kimura introduced Kathy Hammer, Jill Young and Val Fong who are students at St. Andrews Priory and were here the past week doing research on minor's rights and mass transportation.

At this time, Representative Yuen rose on a point of personal privilege and stated:

"Yesterday I was verbally criticized because I did not instruct the presenter of the lei to our lovely queen that he should not kiss the queen because of a rule that has existed for about six years. Well, this morning, Mr. Speaker, I noticed that in the newspaper, Honolulu Advertiser, there was an article about one Representative Blair. And, if I may, Mr. Speaker, I would like to read parts of it: 'Handsome young Representative Blair was all set to present the lei and a kiss to Narcissus Queen, Peggy Ann Mei Hoong Sen, when she visited the House yesterday. But the Queen's chaperone promptly blocked Blair's way and informed him that kissing the Queen wouldn't be proper. Young Blair backed off kissless as John Carroll made his statement.' But today I am very happy to say, because of this article, Russell Blair is very happy. Thank you very much."

The Chair then stated:

"He has been redeemed."

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

"My name was also mentioned in that article and there was a misstatement in there. The comment that I made to Representative Blair was, which I am quite sure he will confirm, that since he was not a member of the contest, the rules could not have applied to him. Thank you, Mr. Speaker."

The Chair then made the following announcement:

"Henceforth the Chair will be very strict about rising on personal privileges regarding comments made in the press or media."

## ORDER OF THE DAY

### COMMITTEE REFERRALS

The following bills (H.B. Nos. 1666 to 1990) were disposed of as follows:

<u>H.B. Nos.</u>	<u>Referred to:</u>
1666	Committee on Education, then to the Committee on Finance
1667	Committee on Education
1668	Committee on Education, then to the Committee on Finance
1669	Committee on Judiciary
1670	Committee on Education
1671	Committee on Consumer Protection and Commerce
1672	Committee on Consumer Protection and Commerce
1673	Committee on Agriculture
1674	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1675	Committee on Energy and Transportation, then to the Committee on Finance
1676	Committee on Finance
1677	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1678	Committee on Labor and Public Employment
1679	Committee on Finance
1680	Committee on Finance
1681	Committee on Culture and the Arts, then to the Committee on Finance
1682	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts
1683	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Judiciary
1684	Committee on Water, Land

- |      |  |      |  |
|------|--|------|--|
|      | Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts                          |      | Elderly Affairs, then to the Committee on Finance  |
| 1685 | Jointly to the Committees on Agriculture and Higher Education, then to the Committee on Finance              | 1702 | Committee on Education, then to the Committee on Finance   |
| 1686 | Committee on Health, then to the Committee on Finance  | 1703 | Committee on Youth and Elderly Affairs, then to the Committee on Finance   |
| 1687 | Committee on Energy and Transportation, then to the Committee on Finance                                     | 1704 | Committee on Higher Education, then to the Committee on Finance  |
| 1688 | Committee on Finance   | 1705 | Committee on Youth and Elderly Affairs, then to the Committee on Judiciary, then to the Committee on Finance                                       |
| 1689 | Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance              | 1706 | Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Environmental Protection, then to the Committee on Finance |
| 1690 | Committee on Education, then to the Committee on Finance   | 1707 | Committee on Education, then to the Committee on Finance   |
| 1691 | Committee on Education, then to the Committee on Finance   | 1708 | Committee on Higher Education, then to the Committee on Finance  |
| 1692 | Committee on Labor and Public Employment   | 1709 | Committee on Labor and Public Employment   |
| 1693 | Committee on Housing, then to the Committee on Finance   | 1710 | Jointly to the Committees on Education and Culture and the Arts, then to the Committee on Finance  |
| 1694 | Committee on Youth and Elderly Affairs, then to the Committee on Judiciary, then to the Committee on Finance | 1711 | Committee on Culture and the Arts, then to the Committee on Finance  |
| 1695 | Committee on Youth and Elderly Affairs, then to the Committee on Finance                                     | 1712 | Committee on Culture and the Arts, then to the Committee on Finance  |
| 1696 | Committee on Youth and Elderly Affairs, then to the Committee on Finance                                     | 1713 | Committee on Culture and the Arts  |
| 1697 | Committee on Youth and Elderly Affairs, then to the Committee on Finance                                     | 1714 | Committee on Culture and the Arts, then to the Committee on Finance  |
| 1698 | Committee on Youth and Elderly Affairs, then to the Committee on Judiciary                                   | 1715 | Committee on Culture and the Arts, then to the Committee on Finance  |
| 1699 | Committee on Youth and Elderly Affairs, then to the Committee on Finance                                     | 1716 | Committee on Consumer Protection and Commerce, then to the Committee on Finance  |
| 1700 | Committee on Youth and Elderly Affairs, then to the Committee on Finance                                     | 1717 | Committee on Culture and the Arts  |
| 1701 | Committee on Youth and   | 1718 | Committee on Culture and the Arts, then to the Committee on Finance  |
|      |  | 1719 | Committee on Culture and the Arts, then to the Committee   |

- |      |   |      |  |
|------|---|------|--|
|      | on Finance  | 1737 | Committee on Education, then to the Committee on Finance                                       |
| 1720 | Committee on Culture and the Arts, then to the Committee on Finance                                       | 1738 | Committee on Energy and Transportation, then to the Committee on Finance                       |
| 1721 | Committee on Culture and the Arts, then to the Committee on Finance                                       | 1739 | Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance |
| 1722 | Committee on Public Assistance and Human Services, then to the Committee on Finance                       | 1740 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1723 | Committee on Public Assistance and Human Services, then to the Committee on Finance                       | 1741 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1724 | Jointly to the Committees on Higher Education and Culture and the Arts, then to the Committees on Finance | 1742 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1725 | Committee on Health, then to the Committee on Finance   | 1743 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1726 | Committee on Education, then to the Committee on Finance  | 1744 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1727 | Committee on Higher Education, then to the Committee on Finance   | 1745 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1728 | Committee on Higher Education, then to the Committee on Finance   | 1746 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1729 | Committee on Education, then to the Committee on Finance  | 1747 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1730 | Committee on Higher Education, then to the Committee on Finance   | 1748 | Committee on Labor and Public Employment, then to the Committee on Finance                     |
| 1731 | Committee on Higher Education, then to the Committee on Finance   | 1749 | Committee on Energy and Transportation, then to the Committee on Finance                       |
| 1732 | Committee on Higher Education, then to the Committee on Finance   | 1750 | Committee on Energy and Transportation   |
| 1733 | Committee on Labor and Public Employment  | 1751 | Committee on Energy and Transportation   |
| 1734 | Committee on Labor and Public Employment, then to the Committee on Higher Education                       | 1752 | Committee on Judiciary   |
| 1735 | Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance           | 1753 | Committee on Judiciary   |
| 1736 | Committee on Education, then to the Committee on Finance  | 1754 | Committee on Judiciary   |
|      |   | 1755 | Committee on Consumer Protection and Commerce  |
|      |   | 1756 | Committee on Consumer Protection and Commerce  |

1757	Committee on Consumer Protection and Commerce	on Finance
1758	Committee on Consumer Protection and Commerce	1779 Committee on Labor and Public Employment, then to the Committee on Finance
1759	Committee on Consumer Protection and Commerce	1780 Committee on Labor and Public Employment, then to the Committee on Finance
1760	Committee on Health, then to the Committee on Finance	1781 Committee on Judiciary
1761	Committee on Housing, then to the Committee on Finance	1782 Committee on Judiciary
1762	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	1783 Committee on Judiciary
1763	Committee on Health, then to the Committee on Finance	1784 Committee on Judiciary
1764	Committee on Consumer Protection and Commerce	1785 Committee on Judiciary
1765	Committee on Consumer Protection and Commerce	1786 Committee on Judiciary
1766	Committee on Consumer Protection and Commerce	1787 Committee on Judiciary
1767	Committee on Consumer Protection and Commerce	1788 Committee on Judiciary, then to the Committee on Finance
1768	Committee on Higher Education, then to the Committee on Finance	1789 Committee on Judiciary
1769	Committee on Education, then to the Committee on Finance	1790 Committee on Judiciary, then to the Committee on Finance
1770	Committee on Education, then to the Committee on Finance	1791 Committee on Consumer Protection and Commerce
1771	Committee on Judiciary	1792 Committee on Judiciary
1772	Committee on Legislative Management, then to the Committee on Judiciary	1793 Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1773	Committee on Health	1794 Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1774	Committee on Labor and Public Employment, then to the Committee on Finance	1795 Committee on Culture and the Arts, then to the Committee on Finance
1775	Committee on Labor and Public Employment, then to the Committee on Finance	1796 Committee on Finance
1776	Committee on Labor and Public Employment	1797 Committee on Education, then to the Committee on Finance
1777	Jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment	1798 Committee on Higher Education, then to the Committee on Finance
1778	Committee on Labor and Public Employment, then to the Committee	1799 Committee on Youth and Elderly Affairs, then to the Committee on Finance
		1800 Committee on Education, then to the Committee on Finance
		1801 Committee on Energy and Transportation
		1802 Committee on Higher Education,

	then to the Committee on Finance	1824	Committee on Consumer Protection and Commerce
1803	Committee on Education, then to the Committee on Finance	1825	Committee on Health, then to the Committee on Finance
1804	Committee on Finance	1826	Committee on Judiciary
1805	Committee on Finance	1827	Committee on Higher Education, then to the Committee on Finance
1806	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	1828	Committee on Consumer Protection and Commerce
1807	Committee on Judiciary	1829	Committee on Health, then to the Committee on Finance
1808	Committee on Youth and Elderly Affairs, then to the Committee on Education	1830	Committee on Housing, then to the Committee on Finance
1809	Committee on Youth and Elderly Affairs	1831	Committee on Labor and Public Employment, then to the Committee on Finance
1810	Committee on Consumer Protection and Commerce	1832	Committee on Consumer Protection and Commerce
1811	Committee on Water, Land, Use, Development, and Hawaiian Homes, then to the Committee on Finance	1833	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1812	Committee on Energy and Transportation, then to the Committee on Finance	1834	Committee on Education, then to the Committee on Finance
1813	Committee on Finance	1835	Committee on Labor and Public Employment, then to the Committee on Finance
1814	Committee on Youth and Elderly Affairs, then to the Committee on Finance	1836	Committee on Labor and Public Employment, then to the Committee on Finance
1815	Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes	1837	Committee on Labor and Public Employment, then to the Committee on Finance
1816	Committee on Judiciary	1838	Committee on Consumer Protection and Commerce
1817	Committee on Education, then to the Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	1839	Committee on Finance
1818	Committee on Judiciary	1840	Committee on Consumer Protection and Commerce
1819	Committee on Finance	1841	Committee on Labor and Public Employment
1820	Committee on Consumer Protection and Commerce	1842	Committee on Higher Education, then to the Committee on Finance
1821	Committee on Judiciary, then to the Committee on Finance	1843	Committee on Consumer Protection and Commerce
1822	Committee on Education, then to the Committee on Finance	1844	Committee on Education, then to the Committee on Finance
1823	Committee on Consumer Protection and Commerce	1845	Committee on Higher Education, then to the Committee on Finance

- |      |   |      |   |
|------|---|------|---|
| 1846 | Committee on Youth and Elderly Affairs  |      | then to the Committee on Judiciary  |
| 1847 | Committee on Tourism  | 1868 | Committee on Labor and Public Employment, then to the Committee on Finance                        |
| 1848 | Committee on Agriculture, then to the Committee on Consumer Protection and Commerce                         | 1869 | Committee on Labor and Public Employment, then to the Committee on Finance                        |
| 1849 | Committee on Agriculture  | 1870 | Committee on Water, Land Use, Development, and Hawaiian Homes                                     |
| 1850 | Committee on Agriculture, then to the Committee on Finance  | 1871 | Committee on Energy and Transportation, then to the Committee on Finance                          |
| 1851 | Committee on Judiciary  | 1872 | Committee on Consumer Protection and Commerce   |
| 1852 | Committee on Judiciary  | 1873 | Committee on Consumer Protection and Commerce, then to the Committee on Finance                   |
| 1853 | Jointly to the Committees on Consumer Protection and Commerce and Judiciary                                 | 1874 | Committee on Consumer Protection and Commerce   |
| 1854 | Jointly to the Committees on Consumer Protection and Commerce and Judiciary                                 | 1875 | Committee on Consumer Protection and Commerce   |
| 1855 | Jointly to the Committees on Consumer Protection and Commerce and Judiciary                                 | 1876 | Committee on Consumer Protection and Commerce   |
| 1856 | Committee on Housing, then to the Committee on Finance  | 1877 | Committee on Public Assistance and Human Services   |
| 1857 | Committee on Labor and Public Employment, then to the Committee on Finance                                  | 1878 | Committee on Higher Education   |
| 1858 | Committee on Labor and Public Employment, then to the Committee on Finance                                  | 1879 | Committee on Higher Education, then to the Committee on Finance                                   |
| 1859 | Committee on Labor and Public Employment  | 1880 | Committee on Higher Education, then to the Committee on Finance                                   |
| 1860 | Committee on Education, then to the Committee on Finance  | 1881 | Committee on Higher Education   |
| 1861 | Committee on Health   | 1882 | Committee on Higher Education   |
| 1862 | Committee on Labor and Public Employment  | 1883 | Committee on Youth and Elderly Affairs, then to the Committee on Consumer Protection and Commerce |
| 1863 | Committee on Labor and Public Employment, then to the Committee on Finance                                  | 1884 | Jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment |
| 1864 | Committee on Consumer Protection and Commerce   | 1885 | Committee on Energy and Transportation  |
| 1865 | Committee on Labor and Public Employment  | 1886 | Committee on Labor and Public Employment  |
| 1866 | Committee on Labor and Public Employment  | 1887 | Committee on Housing  |
| 1867 | Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, | 1888 | Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on           |

	Finance	1912	Committee on Culture and the Arts, then to the Committee on Finance
1889	Committee on Judiciary		
1890	Committee on Judiciary	1913	Committee on Water, Land Use, Development, and Hawaiian Homes
1891	Committee on Consumer Protection and Commerce		
1892	Committee on Finance	1914	Committee on Energy and Transportation
1893	Committee on Consumer Protection and Commerce, then to the Committee on Finance	1915	Committee on Water, Land Use, Development, and Hawaiian Homes
1894	Committee on Agriculture, then to the Committee on Finance	1916	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1895	Committee on Water, Land Use, Development, and Hawaiian Homes	1917	Committee on Judiciary
1896	Committee on Consumer Protection and Commerce	1918	Committee on Water, Land Use, Development, and Hawaiian Homes
1897	Committee on Finance	1919	Committee on Labor and Public Employment, then to the Committee on Finance
1898	Committee on Judiciary	1920	Committee on Judiciary, then to the Committee on Finance
1899	Jointly to the Committees on Consumer Protection and Commerce and Judiciary	1921	Committee on Judiciary
1900	Committee on Housing	1922	Committee on Judiciary
1901	Committee on Finance	1923	Committee on Judiciary
1902	Committee on Education, then to the Committee on Finance	1924	Committee on Judiciary
1903	Committee on Energy and Transportation	1925	Committee on Judiciary, then to the Committee on Finance
1904	Committee on Environmental Protection	1926	Committee on Judiciary
1905	Committee on Energy and Transportation	1927	Committee on Finance
1906	Committee on Water, Land Use, Development, and Hawaiian Homes	1928	Committee on Labor and Public Employment
1907	Committee on Energy and Transportation, then to the Committee on Finance	1929	Committee on Labor and Public Employment, then to the Committee on Judiciary
1908	Committee on Water, Land Use, Development, and Hawaiian Homes	1930	Committee on Judiciary
1909	Committee on Water, Land Use, Development, and Hawaiian Homes	1931	Committee on Labor and Public Employment, then to the Committee on Finance
1910	Committee on Tourism, then to the Committee on Finance	1932	Committee on Judiciary
1911	Committee on Energy and Transportation	1933	Committee on Housing, then to the Committee on Finance
		1934	Committee on Legislative Management
		1935	Committee on Finance, then

	to the Committee on Judiciary	1955	Committee on Public Assistance and Human Services
1936	Committee on Labor and Public Employment, then to the Committee on Finance	1956	Committee on Public Assistance and Human Services, then to the Committee on Youth and Elderly Affairs
1937	Committee on Education, then to the Committee on Finance	1957	Committee on Public Assistance and Human Services
1938	Committee on Education, then to the Committee on Finance	1958	Committee on Judiciary
1939	Committee on Education, then to the Committee on Finance	1959	Committee on Public Assistance and Human Services
1940	Committee on Youth and Elderly Affairs, then to the Committee on Finance	1960	Committee on Public Assistance and Human Services
1941	Committee on Water, Land Use, Development, and Hawaiian Homes	1961	Committee on Judiciary
1942	Committee on Public Assistance and Human Services	1962	Committee on Public Assistance and Human Services, then to the Committee on Finance
1943	Committee on Culture and the Arts, then to the Committee on Finance	1963	Committee on Labor and Public Employment
1944	Committee on Public Assistance and Human Services	1964	Committee on Higher Education, then to the Committee on Finance
1945	Jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment	1965	Committee on Education
1946	Committee on Public Assistance and Human Services	1966	Committee on Judiciary
1947	Committee on Public Assistance and Human Services	1967	Committee on Judiciary, then to the Committee on Finance
1948	Committee on Public Assistance and Human Services	1968	Committee on Education, then to the Committee on Finance
1949	Committee on Public Assistance and Human Services	1969	Committee on Culture and the Arts, then to the Committee on Finance
1950	Committee on Public Assistance and Human Services	1970	Committee on Judiciary
1951	Committee on Public Assistance and Human Services, then to the Committee on Youth and Elderly Affairs	1971	Committee on Finance
1952	Committee on Public Assistance and Human Services	1972	Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1953	Committee on Public Assistance and Human Services, then to the Committee on Judiciary	1973	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1954	Committee on Public Assistance and Human Services	1974	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
		1975	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

1976	Committee on Environmental Protection, then to the Committee on Judiciary	Employment
1977	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	493 Committee on Environmental Protection
1978	Committee on Health, then to the Committee on Finance	494 Committee on Legislative Management
1979	Committee on Public Assistance and Human Services, then to the Committee on Finance	495 Committee on Energy and Transportation
1980	Committee on Youth and Elderly Affairs, then to the Committee on Judiciary	496 Committee on Education
1981	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	497 Committee on Consumer Protection and Commerce
1982	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	498 Committee on Labor and Public Employment
1983	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	499 Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection
1984	Committee on Judiciary, then to the Committee on Finance	500 Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection
1985	Committee on Finance	501 Committee on Energy and Transportation
1986	Committee on Housing	502 Committee on Energy and Transportation
1987	Committee on Labor and Public Employment	503 Committee on Culture and the Arts
1988	Committee on Agriculture, then to the Committee on Finance	504 Committee on Public Assistance and Human Services
1989	Committee on Education, then to the Committee on Finance	505 Committee on Public Assistance and Human Services
1990	Committee on Judiciary, then to the Committee on Finance	506 Committee on Judiciary
		507 Committee on Legislative Management
		508 Committee on Energy and Transportation
		509 Committee on Judiciary

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 490 to 509) and concurrent resolutions (H.C.R. Nos. 82 to 88) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
490	Committee on Education
491	Committee on Youth and Elderly Affairs
492	Committee on Labor and Public

H.C.R. Nos.

82	Committee on Water, Land Use, Development, and Hawaiian Homes
83	Committee on Housing
84	Committee on Energy and Transportation
85	Committee on Youth and Elderly Affairs
86	Committee on Culture and

- the Arts, then to the Committee on Water, Land Use, Development, and Hawaiian Homes
- 87 Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Environmental Protection
- 88 Committee on Legislative Management

## COMMITTEE REASSIGNMENT

The following bills were re-referred as follows:

H.B. Nos.	Re-referred to:
711	Committee on Finance
1642	Committee on Culture and the Arts, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 125) informing the House that House Resolution Nos. 82 to 88, and Standing Committee Report Nos. 126 to 139, have been printed and distributed.

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

At 11:48 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:12 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Stanley.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 121 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 121 passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1975.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 127) recommending that H.B. No. 260 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, Stand. Com. Rep. No. 127 and H.B. No. 260 were recommitted to the Committee on Judiciary.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 944 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 944, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1975.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 425 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 425 passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1975.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 8 pass Third Reading with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and action on H.B. No. 8, as amended, was deferred until Monday, March 3, 1975.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 131) recommending that H.R. No. 43 be adopted with certain amendments.

On motion by Representative Yuen, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 43, as amended, was adopted.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 132) recommending that H.B. No. 473 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. 473, 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. 133) recommending that H.B. No. 162 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. 162, 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. 134) recommending that H.B. No. 1188 be referred to the Committee on Finance.

On motion by Representative Kunimura, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 1188 was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 424 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 424, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1975.

At 1:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:16 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented

a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 115 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, Stand. Com. Rep. No. 136 and H.B. No. 115, as amended, was recommitted to the Committee on Judiciary.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 743 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 743, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 321 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Stanley, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 321, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 1209 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the majority of the Committee was adopted and H.B. No. 1209 passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1975.

The Chair directed the Clerk to note that printed copies of H.B. No. 121; H.B. No. 944, HD 1; H.B. No. 425; H.B. No. 8, HD 2; H.B. No. 424, HD 1; and H.B. No. 1209 were made available to the members

of the House at 11:30 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 510 and 511) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 510) extending condolences and deepest sympathy to the family of Mrs. Sue Tanaka was jointly offered by Representatives Wakatsuki, Abercrombie, Ajifu, Akizaki, Blair, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Garcia, seconded by Representative Kunimura and carried, H.R. No. 510 was adopted.

A resolution (H.R. No. 511) declaring March 2-8, 1975, as Save Your Vision Week was jointly offered by Representatives Segawa and Wakatsuki.

On motion by Representative Naito, seconded by Representative Ushijima and carried, H.R. No. 511 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 512 to 519) and concurrent resolutions (H.C.R. Nos. 89 and 90) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 3, 1975:

A resolution (H.R. No. 512) requesting the Department of Agriculture to assist in the eradication of cattail weeds in Waipio Valley was offered by Representative Takamine.

A resolution (H.R. No. 513) requesting an agricultural study on taro production was offered by Representative Takamine.

A resolution (H.R. No. 514) requesting the Department of Planning and Economic Development to promote the taro production industry was offered by Representative Takamine.

A resolution (H.R. No. 515) commending the Habilitat and urging the State of Hawaii through its various departments and agencies to assist and support the Habilitat wherever and whenever possible was offered by Representative Roehrig.

A resolution (H.R. No. 516) requesting the Department of Public Works, City and County of Honolulu to enforce Chapter 23, Revised Ordinances of Honolulu was jointly offered by Representatives Evans, Ajifu, Fong, Medeiros, Oda and Poepoe.

A resolution (H.R. No. 517) requesting a comprehensive program of preventative security measures at the University of Hawaii at Manoa was jointly offered by Representatives Evans, Ajifu, Fong, Oda and Poepoe.

A resolution (H.R. No. 518) requesting the Governor to form an advisory committee to review real property tax laws was jointly offered by Representatives Kunimura, Kawakami and Yamada.

A resolution (H.R. No. 519) requesting a feasibility study for a West Loch Regional Park at Waipahu, Oahu, was jointly offered by Representatives Shito, Cayetano, Ho, Kihano and Mizuguchi.

A concurrent resolution (H.C.R. No. 89) commending the Habilitat and urging the State of Hawaii through its various departments and agencies to assist and support the Habilitat wherever and whenever possible was offered by Representative Roehrig.

A concurrent resolution (H.C.R. No. 90) requesting that in reassessing the real property tax throughout the State, the Director of Taxation shall not reassess State tax zones out of order commencing July 1, 1976 was offered by Representative Sutton.

At this time, Representative Kunimura stated:

"On behalf of 16 Republican members of this House and 32 Democratic members of this House, I would like to extend from 48 members of this House, deep appreciation for your attire this morning and I would like to, on behalf of the 48 members of this House, wish you a very Happy, Nice Aloha Friday."

The Chair then stated:

"Certainly appreciate your remarks. This is not an aloha shirt - it's an aloha coat."

## ADJOURNMENT

At 1:24 o'clock p.m., on motion  
by Representative Kimura, seconded

by Representative Soares and carried,  
the House of Representatives adjourned  
to 11:30 o'clock a.m. on Monday,  
March 3, 1975.

## THIRTY-THIRD DAY

Monday, March 3, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Elva Elsner of the Unity Church of Honolulu, after which the Roll was called showing all members present with the exception of Representatives Kamalii, Lee, Machida and Suwa, who were excused.

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

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

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 19) transmitting Senate Concurrent Resolution No. 85 welcoming the 56th Annual Convention of the Associated General Contractors of America which was adopted by the Senate on February 28, 1975, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.C.R. No. 85 was adopted.

## MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 11 and 12) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 11) acknowledging receipt of a copy of House Resolution No. 122, Regular Session of 1975, was placed on file.

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 12) acknowledging receipt of a copy

of House Resolution No. 232, Regular Session of 1975, was placed on file.

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

Representative Sutton introduced two couples from Alberta, Canada-- Mr. and Mrs. Farkas and Mr. and Mrs. McKema.

Representative Mizuguchi introduced a group of Cub Scouts from Pack 57. They were accompanied by Mrs. Pat Smith.

Representative Cobb introduced a student intern from Iolani School, Mr. Chris Lee.

Representative Naito introduced 21 clients of the Diamond Head Mental Health Center. They were accompanied by Vi DeCaires, Jeannette Brown, Becky Kekahu and Tetsuko Yabuta, staff members, and a volunteer, Maureen Ko.

Representative Carroll introduced Ms. Cathy Bryan, a student at the University of Hawaii.

Representative Morioka introduced 45 eighth grade students from Saint Patrick's School and their teacher, Mrs. Andrea Au, and a parent, Mrs. Nakata.

Representative Kihano introduced 48 fifth grade students from August Ahrens Elementary School and their teachers, Mrs. Kawada and Miss Toma.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 512 to 519) and concurrent resolutions (H.C.R. Nos. 89 and 90) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
512	Committee on Agriculture
513	Committee on Agriculture, then to the Committee on Higher Education
514	Jointly to the Committees on

- Water, Land Use, Development,  
and Hawaiian Homes and  
Agriculture
- 515 Jointly to the Committees on  
Health and Public Assistance and  
Human Services
- 516 Committee on Water, Land Use,  
Development, and Hawaiian  
Homes
- 517 Committee on Higher Education
- 518 Committee on Finance
- 519 Committee on Water, Land Use,  
Development, and Hawaiian  
Homes
- H.C.R. Nos.
- 89 Committee on Health
- 90 Committee on Finance

#### COMMITTEE REASSIGNMENTS

The following bills were re-referred  
as follows:

- | <u>H.B. Nos.</u> | <u>Re-referred to:</u>   |
|------------------|--|
| 115              | Committee on Judiciary   |
| 1702             | Committee on Youth and Elderly<br>Affairs, then to the Committee<br>on Finance |

At 11:37 o'clock a.m., on request  
by Representative Kimura, the Chair  
declared a recess, subject to the  
call of the Chair.

Upon reconvening at 11:43 o'clock  
a.m., the Chair directed the Clerk  
to note the presence of Represen-  
tatives Lee, Machida and Suwa.

#### SUSPENSION OF RULES

On motion by Representative  
Kimura, seconded by Representative  
Soares and carried, the rules were  
suspended for the purpose of  
considering House Bill No. 8 on  
Third Reading on the basis of a  
modified consent calendar.

#### UNFINISHED BUSINESS

H.B. No. 8, as amended, on Third  
Reading (Deferred from February  
28, 1975):

On motion by Representative Suwa,  
seconded by Representative Akizaki,  
H.B. No. 8, as amended, having  
been read throughout, passed Third  
Reading by a vote of 50 ayes, with  
Representative Kamalii being  
excused.

The Chair directed the Clerk to  
note that H.B. No. 8 had passed  
Third Reading at 11:43 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the  
Committee on Legislative Management,  
presented a report (Stand. Com.  
Rep. No. 140) informing the House  
that House Resolution Nos. 510 to  
519, House Concurrent Resolution  
Nos. 89 and 90, and Standing Commit-  
tee Report Nos. 141 to 146, have  
been printed and distributed.

On motion by Representative Akizaki,  
seconded by Representative Kiyabu  
and carried, the report of the Commit-  
tee was adopted.

At 11:44 o'clock a.m., the Chair  
declared a recess, subject to  
the call of the Chair.

The House of Representatives  
reconvened at 12:43 o'clock p.m.

Representative Stanley, for  
the joint Committees on Public  
Assistance and Human Services  
and Labor and Public Employment,  
presented a report (Stand. Com.  
Rep. No. 141) recommending  
that H.C.R. No. 3 be adopted.

On motion by Representative  
Stanley, seconded by Representative  
Lee and carried, the report of  
the Committees was adopted and  
H.C.R. No. 3 was adopted.

Representative Yuen for the  
joint Committees on Education  
and Higher Education, presented  
a report (Stand. Com. Rep. No.  
142) recommending that H.R.  
No. 38 be adopted with certain  
amendments.

On motion by Representative  
Yuen, seconded by Representative  
Sakima and carried, the report  
of the Committees was adopted  
and H.R. No. 38, as amended,  
was adopted.

Representative Stanley, for  
the joint Committees on Public

Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 33 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the Committees was adopted and H.B. No. 33 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 4, 1975.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 142 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, Stand. Com. Rep. No. 144 and H.B. No. 142, as amended, were recommitted to the Committee on Consumer Protection and Commerce.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 278 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 278, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 4, 1975.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 146) recommending that H.R. No. 158 be adopted.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.R. No. 158 was adopted.

The Chair directed the Clerk to note that printed copies of H.B. No. 33 and H.B. No. 278, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

## INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 520) and concurrent resolution (H.C.R. No. 91) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 520) honoring Billy Apau for his service of 17 years as Head Coach of the Waiialua Pop Warner Football Team was jointly offered by Representatives Oda, Akizaki, Amaral, Carroll, Clarke, Garcia, Hakoda, Ho, Ikeda, Inaba, Kunimura, Larsen, Lunasco, Medeiros, Mizuguchi, Naito, Poepoe, Sakima, Santos, Segawa, Soares, Stanley, Sutton, Takamine, Takamura, Uechi, Ushijima, Yamada and Yuen.

On motion by Representative Oda, seconded by Representative Lunasco and carried, H.R. No. 520 was adopted.

A concurrent resolution (H.C.R. No. 91) congratulating the Reverend Robert H. Midgley was jointly offered by Representatives Larsen, Amaral, Carroll, Hakoda, Ho, Ikeda, Inaba, Lunasco, Morioka, Oda, Poepoe, Soares, Uechi and Yuen.

On motion by Representative Larsen, seconded by Representative Carroll and carried, H.C.R. No. 91 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 521 to 532) and concurrent resolutions (H.C.R. Nos. 92 to 96) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 4, 1975:

A resolution (H.R. No. 521) requesting a study of the feasibility of implementing provisions of the Wagner-O'Day Act in Hawaii was offered by Representative Lee.

A resolution (H.R. No. 522) requesting the State to keep a record of federal programs in which the State is involved was offered by Representative Lee.

A resolution (H.R. No. 523) requesting greater productive use of papayas was offered by Representative Takamine.

A resolution (H.R. No. 524) requesting County Liquor Commissions

to post charts in establishments where intoxicating beverages are sold, relating body weight, alcohol intake, and level of impairment of driving ability was offered by Representative Abercrombie.

A resolution (H.R. No. 525) urging legislative review of the Coastal Zone Management Plan and Hawaii Water Resources Regional Study was offered by Representative Abercrombie.

A resolution (H.R. No. 526) requesting Congress and the President to establish a national network of youth advisory boards was offered by Representative Ushijima.

A resolution (H.R. No. 527) requesting the Department of Education to apply systems theory to education in Hawaii as successfully implemented at Center School in New Canaan, Connecticut was jointly offered by Representatives Mizuguchi, Ajifu, Blair, Cayetano, Hakoda, Kamalii, Kiyabu, Kunimura, Naito, Oda and Uechi.

A resolution (H.R. No. 528) requesting a review of the management and activities of the Hawaii Job Corps Center was offered by Representative Lee.

A resolution (H.R. No. 529) requesting a management audit of the Department of Regulatory Agencies was jointly offered by Representatives Soares, Amaral, Clarke, Hakoda, Ikeda and Oda.

A resolution (H.R. No. 530) requesting the Legislative Auditor to submit an annual progress report to the Legislature on the implementation of major State programs was jointly offered by Representatives Soares, Amaral, Clarke, Hakoda, Ikeda and Oda.

A resolution (H.R. No. 531) requesting the Speaker of the House of Representatives to request the House Committee on Legislative Management to study the feasibility of relocating all functions relating to post audits of State programs to the Office of the Legislative Auditor was jointly offered by Representatives Soares, Amaral, Clarke, Hakoda, Ikeda and Oda.

A resolution (H.R. No. 532) requesting the Legislative Auditor to initiate a continuous program of monitoring State agency compliance

with the Administrative Procedures Act and to submit an annual report of its findings and recommendations to the Legislature prior to the convening of each Legislature was jointly offered by Representatives Soares, Amaral, Clarke, Hakoda, Ikeda and Oda.

A concurrent resolution (H.C.R. No. 92) requesting that the next budget submitted by the Governor include medicaid payments for usual and customary charges by physicians and dentists was jointly offered by Representatives Stanley, Akizaki, Cayetano, Inaba, Kimura, Kiyabu, Kondo, Lunasco, Machida, Mizuguchi, Morioka and Yamada.

A concurrent resolution (H.C.R. No. 93) requesting greater productive use of papayas was offered by Representative Takamine.

A concurrent resolution (H.C.R. No. 94) requesting the State to keep a record of federal programs in which the State is involved was offered by Representative Lee.

A concurrent resolution (H.C.R. No. 95) requesting the Department of Education to apply systems theory to education in Hawaii as successfully implemented at Center School in New Canaan, Connecticut was jointly offered by Representatives Mizuguchi, Ajifu, Blair, Cayetano, Hakoda, Kamalii, Kiyabu, Kunimura, Naito, Oda, Shito and Uechi.

A concurrent resolution (H.C.R. No. 96) requesting the Legislature to adopt a policy of clearly articulated and coordinated long-range policy planning to facilitate evaluation and legislative decision making was jointly offered by Representatives Soares, Amaral, Clarke, Hakoda, Ikeda and Oda.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares 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. 121

Representative Roehrig moved that H.B. No. 121, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Mr. Speaker, this bill relates to procedures for prejudgment garnishment and it is intended to conform our garnishment law with federal Supreme Court decisions dealing with subject matter. We had considerable discussion on this in the caucus and I think that I would like the Journal to indicate that some of the members have reservations about the Court's practice of, in effect, legislating certain Court practices where laws are found to be unconstitutional. This practice was undertaken in the area of prejudgment garnishment and we would like this concern to be noted for the Journal on the passage of this measure.

Thank you."

The motion was put by the Chair and H.B. No. 121 passed Third Reading by a vote of 50 ayes, with Representative Kamalii being excused.

H.B. No. 944

Representative Roehrig moved that H.B. No. 944, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Mr. Speaker, just to speak briefly on this matter. It was brought to my attention that in the body of the bill, on line 6, the word 'may' is used. It was suggested that perhaps that word could be 'will' or 'shall' and this matter has been discussed with Representative Faith Evans who brought that to my attention, and with the House Majority Attorney and House Minority Attorney, and I would like the Journal to reflect that it is the Committee's intent, as shown in the second paragraph on page 1 of the Committee

report and in the totality of the language of the bill, it is the intent of your Committee that the only three combinations relating to the use of married names are allowed and not any possible anagrams or use of names different from the two surnames of the married couples.

Thank you, Mr. Speaker."

Representative Stanley then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 944, H.D. 1, and urge that this honorable body pass it on Third Reading.

The purpose of this bill is to give married persons the right to determine the surname they are to assume after their marriage. The bill allows them to retain their surname, adopt the surname of their spouse, or to hyphenate both surnames. Hawaii has the singular distinction of being the only State with a statute which requires married women to adopt the surname of their husband. This practice is not followed by any other state. The federal government acknowledges the right of spouses to retain the surname for administrative purposes, to receive passports, and the filing of income taxes. The present statute is historical accident, being carried over from the law passed by Kamehameha IV in 1860. In a recent court decision, the present law was declared unconstitutional by a circuit court judge as a violation on the equal protection clause. By the passage of this bill, we are recognizing that married persons should make the decision as to whether or not they wish to have identical surnames. That is where the decision should be made. It is not within the province of the State to be involved in this decision.

Mr. Speaker, by passing this bill, we are recognizing the equality of both parties to a marriage. I, therefore, urge that this honorable body pass House Bill 944, House Draft 1, on Third Reading."

The motion was put by the Chair and H.B. No. 944 passed Third Reading by a roll call vote of 42 ayes to 8 noes, with Representatives Amaral, Ho, Kawakami, Kiyabu, Kondo, Lunasco, Sutton and Yuen voting no, and Representative Kamalii being excused.

H.B. No. 425

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 425 passed Third Reading by a vote of 50 ayes, with Representative Kamalii being excused.

H.B. No. 424

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 424 passed Third Reading by a vote of 50 ayes, with Representative Kamalii being excused.

H.B. No. 1209

Representative Yamada moved that H.B. No. 1209, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Carroll then offered the following amendment to H.B. No. 1209:

"SECTION 1. House Bill 1209 is amended by adding a new subsection to be appropriately designated and to read:

'(b) If the assets of any defendant of any civil action referred to in subsection (a) shall be insufficient to satisfy any liability imposed in such action together with court costs and any outstanding liens in favor of the government, said liabilities shall rank in the order of payment as follows:

- (1) court costs, including costs of discovery;
- (2) civil penalties;
- (3) liens in favor of the government, and
- (4) restitution.' "

Representative Carroll moved that the amendment be adopted, seconded by Representative Evans.

Representative Carroll then explained the amendment as follows:

"Mr. Speaker, this amendment simply sets an order of priorities in the event that an action is brought by the Consumer Protector on behalf of the citizens of this State.

The priority insists that where there is not enough money because

of the insolvency of the defendant, that first the court costs, including the cost of discovery, shall be paid back to the State. Secondly, that in the event the court finds that the civil penalty is in order, that civil penalty will be next in order of recovery. Third, any liens in favor of the government such as tax liens, will also be recovered. And finally, the restitution which may be ordered by the court in its discretion will be paid. That is ordered by the court.

The purpose of this amendment, Mr. Speaker, is to ensure that the taxpayers of this State retrieve some of their hard-earned dollars which are being used for this type of a purpose.

I urge that everyone vote in favor of this amendment. Thank you."

Representative Yamada then rose and stated:

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

First of all, Mr. Speaker, I think this amendment invades the discretion of the court as to ranking of payments. Item 3 of the ranking--when the author of the amendment talks about liens in favor of the government--I am not quite sure what liens he is talking about as presently there are many types of liens; whether it be tax liens or judgment liens, and the law as we have now does have a ranking of liens. Also, I am not sure of what government he is talking about--whether it is the State of Hawaii or any other government outside of the State of Hawaii.

For those reasons, because it invades the discretion of the court, and also because of the vagueness of some of the language in the amendment, I ask this body to vote down the amendment."

Representative Kimura then stated:

"Mr. Speaker, I rise to speak against this amendment also.

This bill seeks to determine the order of liability in terms of the defendants or the debtor's personal assets. I think we run

afoul patently, in this instance, against the Federal Bankruptcy Law. That Law specifies the order of priority in terms of the payment or from the assets that are availing to the defendant in an action and for that reason also, I believe this amendment is deficient."

Representative Carroll, in answer to the two previous speakers, stated:

"Mr. Speaker, as far as the liens are concerned, there is an order of priority of liens already set forth. But in this case, the government for which I speak is the government of the State of Hawaii, and the only one that I feel authorized to speak for at this time. I think that is rather clear from where we are standing here today and as far as the priorities are concerned, it is to ensure that the costs which are being expended, rather, the costs which are being gotten back by the court, are given back to the people first rather than being disbursed to the claimants who are, in effect, getting a windfall because of this particular arrangement.

As far as the Federal Bankruptcy Laws are concerned, the Federal Bankruptcy Law will not come into effect until there has been a petition and bankruptcy filed so I think that argument is quite specious and I would once again urge everyone to vote for this amendment. Thank you."

Representative Kunimura then inquired whether or not Representative Carroll would yield to a question to which Representative Carroll replied in the affirmative.

Representative Kunimura then questioned:

"Mr. Speaker, I would like to request if attorneys' fees are included in the court cost, including cost of discovery--attorneys' fees included?"

Representative Carroll replied:

"As far as I understand it, attorneys' fees are probably within the discretion of the court to order but, in this case, the only attorneys' fees for the State would be the attorney

for the defendant and I suppose it is quite possible that he might order attorney's fee for him which, and I might suggest that this type of a measure could be a windfall for the attorney because of the type of legislation it could generate--not legislation, but judicial action, and the Consumer Protector is already paid on a salary so there certainly would not be any attorney's fee for him in addition to what we have already paid."

Representative Kunimura continued:

"Mr. Speaker, it was against my better judgment to ask an attorney for an opinion because I am more confused now. Very simple question--does the attorney get his cut before the restitution?"

Representative Carroll then replied:

"Mr. Speaker, in the case of restitution, the attorney that is in court before the judge is the Consumer Protector. There is no private counsel involved in this matter other than the attorney. . . hopefully, an attorney for the defendant."

Representative Kunimura then stated:

"My query, Mr. Speaker, is the attorney for the defendant."

Representative Carroll concluded:

"The attorney for the defendant had better have protected himself in this kind of a case or he would go begging, as they say."

The motion to adopt the amendment was put by the Chair and failed to carry by a roll call vote of 15 ayes to 35 noes, with Representatives Abercrombie, Akizaki, Blair, Cayetano, Cobb, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki voting no, and Representative Kamalii being excused.

The motion to pass H.B. No. 1209 on Third Reading was put by the Chair and H.B. No. 1209 passed

Third Reading by a vote of 49 ayes to 1 no, with Representative Carroll voting no, and Representative Kamalii being excused.

The Chair directed the Clerk to note that H.B. Nos. 121, 944, 425, 424 and 1209 had passed Third Reading not earlier than 12:45 o'clock p.m.

## ADJOURNMENT

At 1:09 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Tuesday, March 4, 1975.

## THIRTY-FOURTH DAY

Tuesday, March 4, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Vice-Speaker presiding.

The Divine Blessing was invoked by the Reverend Rudolph Duncan of St. Mary's Episcopal Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Ajifu, Carroll, Clarke, Kamalii, Kawakami, Kihano, Larsen, Machida, Morioka, Roehrig, Suwa, Uechi and Wakatsuki, who were excused.

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

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

## MISCELLANEOUS COMMUNICATION

A communication from the Honorable Daniel K. Inouye, U.S. Senator (Misc. Com. No. 13) acknowledging receipt of H.R. No. 393 was read by the Clerk and was placed on file.

## SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of permitting members to offer resolutions.

## INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 533) congratulating Kaimuki High School students and their advisors for outstanding performance in Statewide National Electrical Week Electric-Motor Building Contest was jointly offered by Representatives Kiyabu, Akizaki, Blair, Cobb, Evans, Garcia, Ho, Kawakami, Kihano, Kimura, Kunimura, Larsen, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Poepoe, Roehrig, Sakima, Shito, Soares, Stanley, Suwa, Yamada and Wakatsuki and was read by the Clerk.

On motion by Representative Kiyabu, seconded by Representative Akziaki

and carried, H.R. No. 533 was adopted.

At this time, Representative Kiyabu introduced the award winners, George Otsuka, Carl Uyehara, Ryan Fukuhara, Laureen Lee, Iris Hiramoto, Alvin Yuen, Jan Loi, and Derek Lum; the advisors, Randall Molina and Tomio Arakaki; and other members of the Electronics Club.

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:46 o'clock a.m., the Speaker assumed the rostrum.

The Chair then directed the Clerk to note the presence of Representatives Abercrombie and Suwa.

The following introductions were made to the members of the House:

Representative Sakima introduced 26 students from Hawaiian Mission Academy who were accompanied by their teacher, Mr. Hirayama.

Representative Sakima also introduced 20 Boy Scouts from Dole Intermediate School who were accompanied by Mr. Peato Ena and Mr. Torres.

Representative Ushijima introduced 35 Juniors and Seniors from the Office Practice and Shorthand classes of Roosevelt High School. They were accompanied by their teachers, Mrs. Wendy Figueira and Mrs. Lorna Kawahara.

Representative Yuen introduced the following students from the Community Quest Program: Chrissy Bell, Lynn Walters, Jackie Chang and Monica Williams. They were escorted by U.H. Intern, Mrs. Gloria Duncan.

Representative Kunimura introduced Mr. Ed Brian, former manager of Ewa Plantation.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 521 to 532) and concurrent resolutions (H.C.R. Nos. 92 to 96) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>	STANDING COMMITTEE REPORTS
521	Committee on Labor and Public Employment	Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 147) informing the House that House Resolution Nos. 520 to 532, House Concurrent Resolution Nos. 91 to 96 and Standing Committee Report Nos. 148 to 161, have been printed and distributed.
522	Committee on Finance	
523	Committee on Agriculture	
524	Committee on Consumer Protection and Commerce	
525	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Environmental Protection	On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.
526	Committee on Youth and Elderly Affairs	At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.
527	Committee on Education	
528	Committee on Labor and Public Employment	Upon reconvening at 12:38 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Ajifu, Clarke, Kawakami, Kihano, Larsen, Machida, Morioka and Roehrig.
529	Committee on Consumer Protection and Commerce	
530	Jointly to the Committees on Legislative Management and Finance	Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 148) recommending that H.B. No. 239 pass Second Reading and be referred to the Committee on Finance with certain amendments.
531	Committee on Legislative Management	
532	Committee on Judiciary, then to the Committee on Legislative Management	On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 239, as amended, passed Second Reading and was referred to the Committee on Finance.
<u>H.C.R. Nos.</u>		
92	Committee on Public Assistance and Human Services, then to the Committee on Finance	Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 831 pass Second Reading and be referred to the Committee on Finance with certain amendments.
93	Committee on Agriculture	
94	Committee on Finance	
95	Committee on Education	
96	Jointly to the Committees on Legislative Management and Finance	On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 831, as amended, passed Second Reading and was referred to the Committee on Finance.
UNFINISHED BUSINESS		
H.B. No. 85, as amended, on Third Reading (Deferred from February 27, 1975):		
Representative Kawakami moved that action on H.B. No. 85, H.D. 1, be deferred to 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. 150) recommending that H.B. No. 942 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. 942 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. 151) recommending that H.B. No. 608 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 608 passed Second Reading and was referred to the Committee on Judiciary.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 814 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. 814 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. 153) recommending that H.B. No. 374 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. 374 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. 154) recommending that H.B. No. 311 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 311 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 178 be referred to the Committee on Finance with certain

amendments.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 178, 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. 156) recommending that H.B. No. 416 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. 416, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 5, 1975.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 990 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Segawa moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.B. No. 990, as amended, pass Second Reading and be placed on the calendar for Third Reading, that H.B. No. 990, as amended, be referred to the Committee on Finance.

Representative Naito seconded the motion.

The motion was put by the Chair and carried and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H.B. No. 990, as amended, passed Second Reading was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 384 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 384 passed Second Reading and was placed on the calendar for Third Reading

tomorrow, March 5, 1975.

The Chair directed the Clerk to note that printed copies of H.B. No. 416, HD 1 and H.B. No. 384 were made available to the members of the House at 11:30 o'clock a.m.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 66 be referred to the Committee on Finance with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 66, as amended, was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 160) recommending that H.R. No. 176 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 176, as amended, was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 161) recommending that H.R. No. 120 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 120 was adopted.

#### INTRODUCTION OF RESOLUTIONS

A concurrent resolution (H.C.R. No. 97) relating to proclaiming March 15, 1975, Hawaii Walk for Mankind Day was jointly offered by Representatives Larsen, Ajifu, Amaral, Carroll, Cayetano, Clarke, Hakoda, Ho, Ikeda, Inaba, Lunasco, Morioka, Oda, Poepoe, Soares and Uechi was read by the Clerk.

On motion by Representative Larsen, seconded by Representative Poepoe and carried, H.C.R. No. 97 was adopted.

By unanimous consent, the

following resolutions (H.R. Nos. 534 to 539) and concurrent resolutions (H.C.R. Nos. 98 and 99) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 5, 1975:

A resolution (H.R. No. 534) requesting first aid training for high school students was offered by Representative Garcia.

A resolution (H.R. No. 535) requesting the United States Congressional Delegation from Hawaii to expedite a federal land transfer with the City and County of Honolulu for the purposes of establishing a fire station at Pearl City, Oahu, was jointly offered by Representatives Mizuguchi and Cayetano.

A resolution (H.R. No. 536) requesting the City and County of Honolulu to implement a feeder bus system was offered by Representative Ushijima.

A resolution (H.R. No. 537) requesting a study of grant effort and administration by state departments and agencies was jointly offered by Representatives Peters, Akizaki, Ho, Inaba, Kimura, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Mizuguchi, Morioka and Suwa.

A resolution (H.R. No. 538) requesting a moratorium on the catching of green sea turtles was offered by Representative Carroll.

A resolution (H.R. No. 539) requesting government employees to buy United States Savings Bonds was jointly offered by Representatives Kamalii, Ajifu, Amaral, Clarke, Evans, Fong, Hakoda, Inaba, Kunimura, Larsen, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Shito, Soares, Stanley, Sutton, Takamura, Yap and Yuen.

A concurrent resolution (H.C.R. No. 98) supporting the Hawaii State Veterans Council proposal for a living memorial park at Ft. DeRussy dedicated to Hawaii's veterans was jointly offered by Representatives Kiyabu, Akizaki, Blair, Evans, Kawakami, Kihano, Kimura, Kunimura, Larsen, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Poepoe, Roehrig, Sakima, Shito, Soares, Stanley, Suwa, Yamada and Wakatsuki.

A concurrent resolution (H.C.R. No. 99) requesting the City and County of Honolulu to implement a feeder bus system was offered

by Representative Ushijima.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares 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. 33

On motion by Representative Stanley, seconded by Representative Lee, H.B. No. 33 passed Third Reading by a vote of 41 ayes to 7 noes, with Representatives Amaral, Clarke, Evans, Hakoda, Ikeda, Larsen and Sutton voting no, and Representatives Carroll, Kamalii and Uechi being excused.

##### H.B. No. 278

On motion by Representative Shito, seconded by Representative Cayetano, H.B. No. 278 passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Kamalii and Uechi being excused.

The Chair directed the Clerk to note that H.B. Nos. 33 and 278 passed Third Reading at 12:43 o'clock p.m.

#### DEFERRED MATTER FROM EARLIER ON THE CALENDAR

##### H.B. No. 85, HD 1:

Representative Kawakami moved that action on H.B. No. 85, HD 1, be deferred until Thursday, March 6, 1975, and the Chair, noting that there were no objections, so ordered.

At this time, Representative Soares rose on a point of personal privilege and stated:

"I would like to make the committee chairmen aware that we have instructed our members, Mr. Speaker, not to sign committee reports on the floor of the House when you are given a bunch from various committees. It is not responsible, and I think it puts a little pressure on the members.

I would appreciate that the chairmen would give us the opportunity to sign them in committee or in their offices rather than on the floor of the House. That's number one.

Number two. We have also told our members that unless the bill is attached to the committee report, that they will not sign. I think that this is only fair - that the responsibility is ours as well as the chairmen to make sure that we have both the report as well as the bill attached. And, if there is any problem with time, we can try to adjust that accordingly, Mr. Speaker."

Representative Kunimura rose on a point of personal privilege and stated:

"Mr. Speaker, just today I found out that this House still has dual membership - one first class member of this House and the other second class member. Now, Mr. Speaker, we talked about openness, we talked about sunshine, we talked about 51 equal members in this House, and then today in caucus, I find out that the status table is provided for certain chairmen of this House. Are we second class, Mr. Speaker? Do we have to call up, waste valuable time? We talk about savings, and for the sake of savings I am ready to turn the lights off in this chamber - then 51 of us will work in the dark. But I refuse to work with some with light and some without light. And, I would like to have this inequity corrected immediately."

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

"Mr. Speaker, I would like to respond to Representative Kunimura's statements because I believe there is some merit in them, but there are reasons why we have approached this problem by having computer sheets available to certain key members in both the House and the Senate. In no way was it meant to separate first class and second class legislators in terms of having this information available to them. But we have had severe financial constraints because of the imposition of two things. The first one, the Fair Labor Standards Act which provides that no member who works for the Legislature can work for more than 8 hours unless there is compensation in terms of overtime. Because this is one of the pressing reasons and one of the more costly reasons why we had to avoid this particular

problem from previous sessions, we did go from a weekly computer printout to a daily computer printout available to leadership of both houses.

It is not only because of the cost, Mr. Speaker, but primarily also the efficiency by which we get the information now. If you remember, before, in our previous years, this printout was available only on a weekly basis - the information that you received could be from anywhere one to five days late. Under the new system developed with the Committee on Legislative Management, this up-date is available as of 2 o'clock that morning. In other words, the information that we receive on the computer printout is the most up-to-date that you can get that particular day. Because of these reasons, the House and the Senate both chose to go to the route of a computer printout rather than going the route of printing a weekly status and index.

We've also mailed out several memorandums regarding this to the committee chairmen and individual representatives that if they should have any questions regarding status of bills in committee or introduced by the respective representatives, they could check with any of their leadership, the Office of Legislative Information, Legislative Reference Bureau, or the Majority Research or Majority Attorney's Office. This information is available to every representative and every member of the public. Because of the reason of cost, because it increases efficiency, that's the route we chose to go.

Thank you."

Representative Peters rose on a point of personal privilege and stated:

"I too would like to add my voice as a spin-off on Representative Kunimura's remarks. I concur with him wholeheartedly. We as members of this House were called upon to make major decisions that

will have state-wide impact - it can be meaningful or it can be adverse - but it will be contingent upon us receiving information on an on-going basis; information that must be accurate, information that must be timely. If there is a lack of resources, I consider that no excuse. If there is a lack, and perhaps beefing up the capability by way of crystallizing this process so that we need and can receive this kind of information, then I suspect that somebody has to do their homework, and I beseech this body to generate that kind of pressure that is necessary for us to do our homework.

Thank you, sir."

Representative Akizaki rose and stated:

"To close this debate, I, as Chairman of Legislative Management, take full responsibility of what has happened. Thank you."

Representative Kunimura rose and stated:

"Yes, some information gotta be corrected. We had computer printout for the leadership of the House when we were printing the status weekly. So it is not that daily printout is new, it's an old stuff. But I would like to say one thing, if we are going to work in the dark, then let's all work in the dark, but if some of us are going to work in the light, then let us all work in the light."

The Chair then stated:

"I believe there is enough discussion on the matter."

#### ADJOURNMENT

At 12:55 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Wednesday, March 5, 1975.

## THIRTY-FIFTH DAY

Wednesday, March 5, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Ruth Senter of the Waialua United Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Kamalii, Kunimura, Lee, Machida, Stanley, Suwa and Takamura, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-Fourth Day.

On motion by Representative Kimura, seconded by Representative Soares and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Fourth Day was approved.

The Chair directed the Clerk to note the presence of Representatives Lee, Machida, Stanley, Suwa and Takamura.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 55 and 56) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 55) transmitting copies of the Department of Education's progress report on implementing the recommendations of the Legislative Auditor, as contained in the report "Management Audit of the Department of Education" (LAO Audit Report No. 73-1, February 1973) prepared in response to House Resolution No. 70, Eighth Legislature, 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 56) transmitting copies of "An Approach for Developing, Assessing, and Utilizing Carrying Capacity Concepts and Criteria for Growth Management" prepared in response to House Resolution 62, Senate Concurrent Resolutions 26 and 27, Regular Session of 1974, was placed on file.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 20) returning House Concurrent Resolution No. 91 which was adopted by the Senate on March 4, 1975, was read by the Clerk and was placed on file.

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

Representative Sutton introduced Mr. and Mrs. Bishop from Rochester, New York.

Representative Medeiros introduced 79 ninth grade students in the social studies class from Kailua Intermediate School. They were accompanied by their teachers, Mrs. Abe, Mrs. Boyton, Mrs. Sousa and Mrs. Moody.

Representative Ho introduced 6 students from the Hawaii School of Business.

Representative Fong introduced 11 students in the Hawaiiana Class from Roosevelt High School and their teacher, Mrs. Vasconcellos.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 534 to 539) and concurrent resolutions (H.C.R. Nos. 98 and 99) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
534	Committee on Education
535	Committee on Water, Land Use, Development, and Hawaiian Homes
536	Committee on Energy and Transportation
537	Committee on Legislative Management
538	Committee on Water, Land Use, Development, and Hawaiian Homes
539	Committee on Labor and Public Employment

<u>H.C.R. Nos.</u>	<u>Referred to:</u>
98	Committee on Water, Land Use, Development, and Hawaiian Homes
99	Committee on Energy and Transportation

#### COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

<u>H.B. No.</u>	
619	Committee on Health

<u>H.R. No.</u>	
395	Committee on Higher Education

<u>H.C.R. No.</u>	
59	Committee on Higher Education

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 162) informing the House that House Resolution Nos. 533 to 539, House Concurrent Resolution Nos. 97 to 99 and Standing Committee Report Nos. 163 to 184, have been printed and distributed.

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

Representative Ho, for the joint Committees on Culture and the Arts and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 163) recommending that H.B. No. 289 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ho, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 289 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. 164) recommending that H.B. No. 313 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 313 was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 165) recommending that H.B. No. 290 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 290, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 1072 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 1072, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 970 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 970, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand.

Com. Rep. No. 168) recommending that H.B. No. 609 pass Second Reading and be referred to the Committee on Environmental Protection with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 609, as amended, passed Second Reading and was referred to the Committee on Environmental Protection.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 684 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Yuen, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 684, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 170) recommending that H.B. No. 62 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Takamura, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 62, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 171) recommending that H.C.R. No. 79 be referred to the Committee on Higher Education.

On motion by Representative Takamura, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.C.R. No. 79 was referred to the Committee on Higher Education.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 1614 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 1614, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 37 be referred to the Committee on Finance with certain amendments.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 37, as amended, was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 11 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 11 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. 175) recommending that H.B. No. 83 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 83, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 327 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 327, as amended, passed Second Reading and was referred to the Committee on Finance.

At 11:42 o'clock a.m., the Chair

declared a recess, subject to the call of the Chair.

Upon reconvening at 12:43 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Abercrombie.

#### RECONSIDERATION OF ACTION TAKEN

Representative Roehrig moved that the House reconsider its action taken earlier on Stand. Com. Rep. No. 176 on H.B. No. 327, as amended, seconded by Representative Uechi and carried.

Representative Roehrig moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.B. No. 327, as amended, pass Second Reading and be referred to the Committee on Finance, that H.B. No. 327, as amended, pass Second Reading and be placed on the calendar for Third Reading.

Representative Uechi seconded the motion.

Representative Suwa then waived referral of H.B. No. 327, as amended, to the Committee on Finance, seconded by Representative Akizaki.

The Chair then re-referred H.B. No. 327, as amended, to the Committee on Judiciary.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H.B. No. 327, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

#### STANDING COMMITTEE REPORTS

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 177) recommending that H.B. No. 158 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. 158, as amended, passed Second Reading and was placed on the calendar for Third

Reading tomorrow, March 6, 1975.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 950 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. 950 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 116 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 116, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

Representative Segawa, for the joint Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 180) recommending that H.B. No. 420 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Lee and carried, the report of the Committees was adopted and H.B. No. 420 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 606 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. 606 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

At 12:47 o'clock p.m., on request by Representative Takamine, the Chair declared a recess, subject to the call of the Chair.

At 12:48 o'clock p.m., the House of Representatives reconvened.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 182) recommending that H.B. No. 152 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. 152, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

At 12:49 o'clock p.m., on request by Representative Lee, the Chair declared a recess, subject to the call of the Chair.

At 12:50 o'clock p.m., the House of Representatives reconvened.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 183) recommending that H.B. No. 157 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. 157, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 418 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. 418 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 6, 1975.

The Chair directed the Clerk to note that printed copies of H.B. No.

327, HD 1; H.B. No. 158, HD 1; H.B. No. 950; H.B. No. 116, HD 1; H.B. No. 420; H.B. No. 606; H.B. No. 152, HD 1; H.B. No. 157, HD 1; and H.B. No. 418 were made available to the members of the House at 11:30 o'clock a.m.

At this time, Representative Kondo rose and stated:

"I want the record to state that Standing Committee Report 182 will be deferred tomorrow."

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

"I rise in response to that statement, Mr. Speaker. The movant moved for passage on Second Reading and placed on the calendar for Third Reading. There is no room to have a statement made for the movant to defer two days for Third Reading."

At 12:51 o'clock p.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

At 12:53 o'clock p.m., the House of Representatives reconvened.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 540 and 541) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 540) congratulating the Haleiwa Jodo Mission for its service to the community was jointly offered by Representatives Oda, Abercrombie, Akizaki, Amaral, Cayetano, Clarke, Cobb, Fong, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Medeiros, Morioka, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Yap, Yuen and Wakatsuki.

On motion by Representative Oda, seconded by Representative Lunasco and carried, H.R. No. 450 was adopted.

A resolution (H.R. No. 541) congratulating the Kailua High School Surf Riders for winning the OIA basketball championship was jointly offered by Representatives Ajifu, Clarke, Evans, Medeiros, Poepoe, Yuen, Amaral, Carroll, Fong, Hakoda, Ho, Ikeda, Larsen, Lunasco, Machida,

Mizuguchi, Oda, Peters, Segawa, Soares, Sutton and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Evans and carried, H.R. No. 451 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 542 to 545) and concurrent resolutions (H.C.R. Nos. 100 to 102) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 6, 1975:

A resolution (H.R. No. 542) requesting that the Mahukona Coast on Hawaii be made safe for recreation was offered by Representative Takamine.

A resolution (H.R. No. 543) requesting Hawaii County to provide sanitary facilities for campers in Waipio Valley was offered by Representative Takamine.

A resolution (H.R. No. 544) requesting report on coordination of implementation of the Special Education Master Plan was offered by Representative Abercrombie.

A resolution (H.R. No. 545) requesting the Legislative Reference Bureau to study the suitability of transfer of development rights was offered by Representative Clarke.

A concurrent resolution (H.C.R. No. 100) relating to Hawaiian native claims was jointly offered by Representatives Peters, Abercrombie, Cayetano, Cobb, Fong, Garcia, Ho, Kihano, Kimura, Kondo, Lee, Machida, Mizuguchi, Ushijima, Yamada, Yap and Wakatsuki.

A concurrent resolution (H.C.R. No. 101) requesting the Congress of the United States to repeal that portion or subsection (g) of Section 1182 of the Immigration and Naturalization Act pertaining to entry of certain categories of persons afflicted with tuberculosis was jointly offered by Representatives Segawa and Lunasco.

A concurrent resolution (H.C.R.

No. 102) requesting the Legislative Reference Bureau to study the suitability of transfer of development rights was offered by Representative Clarke.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares 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. 416

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 416 passed Third Reading by a vote of 49 ayes, with Representatives Kamalii and Kunimura being excused.

At 12:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 12:56 o'clock p.m., the House of Representatives reconvened.

##### H.B. No. 384

On motion by Representative Segawa, seconded by Representative Naito, H.B. No. 384 passed Third Reading by a vote of 49 ayes, with Representatives Kamalii and Kunimura being excused.

The Chair directed the Clerk to note that H.B. Nos. 416 and 384 had passed Third Reading not earlier than 12:54 o'clock p.m.

#### ADJOURNMENT

At 1:02 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Thursday, March 6, 1975.

## THIRTY-SIXTH DAY

Thursday, March 6, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Kenneth Ashitomi of the Honolulu Holiness Church, after which the Roll was called showing all members present with the exception of Representatives Ikeda, Kamalii and Yap, who were excused.

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

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 21 to 24) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 21) returning House Concurrent Resolution No. 97 which was adopted by the Senate on March 5, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 22) transmitting Senate Concurrent Resolution No. 25 expressing concurrence with "The Comprehensive Master Plan for the Elderly" and its adoption as part of State policy relating to the elderly which was adopted by the Senate on March 5, 1975, was placed on file.

By unanimous consent, action on S.C.R. No. 25 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 23) transmitting Senate Bill No. 256, S.D. 1, entitled: "A Bill for an Act relating to temporary disability insurance," which passed Third Reading in the Senate on March 5, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 24) transmitting Senate Bill No. 257, S.D. 1, entitled: "A Bill for an Act relating to workmen's compensation," which passed Third Reading in the Senate on March 5, 1975, was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.B. Nos. 256 and 257 passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Kiyabu introduced 75 6th graders from Liholiho School who were accompanied by their teachers, Mr. Fred Trupiano, Mrs. Doris Wataya and Mrs. Pemberton.

Representative Uechi introduced 5th grade students from Gus Webling Elementary School who were accompanied by their teachers, Mrs. Sakai, Mrs. Nakayama, Mrs. Iwasaki and Mrs. Mau.

## COMMITTEE REFERRALS

The following bills (S.B. Nos. 256 and 257) were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
256	Committee on Labor and Public Employment
257	Committee on Labor and Public Employment

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 542 to 545), concurrent resolutions (H.C.R. Nos. 100 to 102) and S.C.R. No. 25 were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
542	Committee on Water, Land Use, Development, and Hawaiian Homes
543	Committee on Water, Land Use, Development, and Hawaiian Homes
544	Committee on Education

545 Committee on Water, Land  
Use, Development, and Hawaiian  
Homes

H.C.R. Nos.

100 Committee on Judiciary

101 Committee on Health

102 Committee on Water, Land  
Use, Development, and Hawaiian  
Homes

S.C.R. No.

25 Committee on Youth and Elderly  
Affairs

UNFINISHED BUSINESS

H.B. No. 85, as amended, on  
Third Reading (Deferred from March  
4, 1975):

By unanimous consent, action  
on H.B. No. 85, H.D. 1, was deferred  
to the end of the calendar.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the  
Committee on Legislative Management,  
presented a report (Stand. Com.  
Rep. No. 185) informing the House  
that House Resolution Nos. 540  
to 545, House Concurrent Resolution  
Nos. 100 to 102, and Standing Committee  
Report Nos. 186 to 201, have been  
printed and distributed.

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

Representative Cayetano, for  
the Committee on Energy and Transpor-  
tation, presented a report (Stand.  
Com. Rep. No. 186) recommending  
that H.B. No. 446 be referred to  
the Committee on Judiciary with  
certain amendments.

On motion by Representative Cayetano,  
seconded by Representative Kiyabu  
and carried, the report of the Committee  
was adopted and H.B. No. 446,  
as amended, was referred to the  
Committee on Judiciary.

Representative Yamada, for the  
Committee on Consumer Protection  
and Commerce, presented a report  
(Stand. Com. Rep. No. 187) recommending  
that H.B. No. 1549 pass Second  
Reading and be referred to the Committee

on Finance.

On motion by Representative Yamada,  
seconded by Representative Cobb  
and carried, the report of the Committee  
was adopted and H.B. No. 1549  
passed Second Reading and was  
referred to the Committee on Finance.

Representative Cayetano, for  
the Committee on Energy and Transpor-  
tation, presented a report (Stand.  
Com. Rep. No. 188) recommending  
that H.B. Nos. 1004, 1074 and 1077  
pass Second Reading and be referred  
to the Committee on Finance.

On motion by Representative Cayetano,  
seconded by Representative Kiyabu  
and carried, the report of the Committee  
was adopted and H.B. Nos. 1004,  
1074 and 1077 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. 189) recommending that  
H.B. No. 996 pass Second Reading  
and be referred to the Committee  
on Finance with certain amendments.

On motion by Representative Sakima,  
seconded by Representative Takamura  
and carried, the report of the Committee  
was adopted and H.B. No. 996,  
as amended, passed Second Reading  
and was referred to the Committee  
on Finance.

Representative Roehrig, for the  
Committee on Judiciary, presented  
a report (Stand. Com. Rep. No.  
190) recommending that H.B. No.  
115 pass Second Reading and be  
placed on the calendar for Third  
Reading with certain amendments.

On motion by Representative Roehrig,  
seconded by Representative Uechi  
and carried, the report of the Committee  
was adopted and H.B. No. 115,  
as amended, passed Second Reading  
and was placed on the calendar  
for Third Reading tomorrow, March  
7, 1975.

Representative Yuen, for the  
Committee on Education, presented  
a report (Stand. Com. Rep. No.  
191) recommending that H.B. No.  
714 pass Second Reading and be  
referred to the Committee on Finance  
with certain amendments.

On motion by Representative Yuen,  
seconded by Representative Machida  
and carried, the report of the Committee  
was adopted and H.B. No. 714,

as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 192) recommending that H.B. No. 659 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Yuen, seconded by Representative Machida and carried, the report of the Committee was adopted and H.B. No. 659, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 193) recommending that H.B. No. 56 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 56, 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. 194) recommending that H.B. No. 858 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. 858 passed Second Reading and was referred to the Committee on Finance.

Representative Yuen, for the Joint Committees on Education and Health, presented a report (Stand. Com. Rep. No. 195) recommending that H.B. No. 165 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Segawa, seconded by Representative Yuen and carried, the report of the Committees was adopted and H.B. No. 165, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No.

196) recommending that H.B. No. 30 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 30, as amended, passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 395 pass Second Reading and be referred to the Committee on Finance with certain amendments.

On motion by Representative Takamura, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.B. No. 395, as amended, passed Second Reading and was referred to the Committee on Finance.

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

The House of Representatives reconvened at 11:48 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 677 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 677, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1975.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 1870 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 1870, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1975.

At 11:49 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 200) recommending that H.R. No. 320 be adopted.

By unanimous consent, action was deferred to later on the calendar.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 201) recommending that H.C.R. No. 100 be adopted.

By unanimous consent, action was deferred to later on the calendar.

The Chair directed the Clerk to note that printed copies of H.B. No. 115, HD 1; H.B. No. 677, HD 1; and H.B. No. 1870, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 546 to 548) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 546) honoring the memory of Manuel G. DeCosta and extending condolences and deepest sympathy to his family was jointly offered by Representatives Machida, Akizaki, Amaral, Blair, Cayetano, Cobb, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Mizuguchi, Morioka, Naito, Peters, Sakima, Santos, Segawa, Shito, Soares, Stanley, Suwa, Takamura, Uechi, Ushijima, Yap and Yuen.

On motion by Representative Machida, seconded by Representative Kondo and carried, H.R. No. 546 was adopted.

A resolution (H.R. No. 547) extending congratulations and warm wishes to Robert P. Dye, a true son of Erin was jointly offered by Representatives Abercrombie, Cobb, Kimura, Kunimura, Machida, Mizuguchi, Peters, Soares, Stanley and Ushijima.

On motion by Representative

Abercrombie, seconded by Representative Peters and carried, H.R. No. 547 was adopted.

A resolution (H.R. No. 548) congratulating Hilo High School and its basketball champion Vikings was jointly offered by Representatives Roehrig, Segawa, Cobb, Inaba, Kimura, Kunimura, Machida, Mizuguchi, Soares, Suwa, Takamine and Ushijima.

On motion by Representative Segawa, seconded by Representative Roehrig and carried, H.R. No. 548 was adopted.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares 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

##### H.B. No. 327

Representative Roehrig moved that H.B. No. 327, HD 1, having been read throughout pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then stated:

"Mr. Speaker, H.B. 327, HD 1, is our campaign spending reform bill for this year. This bill is to update our efforts of the 1973 legislative session. Last year, we had made a similar effort; however, in the closing days of the session, this measure was not adopted. This 46-page bill was worked over by the members of this House for over 30 hours for the decision making and it represents the collective efforts of many people in this body and outside. It does many things-- the principal provisions relating to the Campaign Commission procedure have been made more equitable. It provides that any kind of hearing before the Campaign Spending Commission, based on complaints about violations of this part, will be confidential in nature. The due process shall be provided to anybody complained of. Then, in the event a decision is made that a violation has taken place but that it is unintentional, that a confidential direction and order will be made to the person complained of to correct any discrepancy. If it is determined that it is a willful

and intentional violation of the section, the Campaign Spending Commission has the discretion to seek prosecution if it so deems necessary

The bill goes on to correct a number of particular provisions which members of this body and the public will have concerns about in the implementation of this law. They are too numerous to mention but just to mention a few, it clarifies when a candidate becomes a candidate based on the contributions made to him or the expenditures which he makes. It clarifies what campaign advertising is and what it is not. It removes the media limitation on the overall spending limit. It provides an overall spending limit but the media limitation is no longer imposed. It clarifies who is a paid campaign worker and who is a volunteer.

Mr. Speaker, this represents the collective efforts of this body and I urge all members to vote in favor of its passage.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak on House Bill No. 327, House Draft 1.

I favor the bill, Mr. Speaker, but I should like to point out that we are the only State in the entire union that has but thirty days between the Primary Election and the General Election. This means, Mr. Speaker, that a candidate running for office must file four very complicated reports within a 45-day period. It also means, Mr. Speaker, that a statewide candidate running as he is in the archipelago state with six islands to cover, has to cover these six islands and, at the same time, he has to file his very complicated report within this very limited period.

Mr. Speaker, I would ask that if this body passes this particular bill on campaign spending that they address their attentions subsequently to the very difficult problem of having a Primary Election but thirty days before the General. Thank you very much, sir."

The motion was put by the Chair

and H.B. No. 327 passed Third Reading by a vote of 47 ayes, with Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 158

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 158 passed Third Reading by a vote of 47 ayes, with Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 950

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 950 passed Third Reading by a vote of 47 ayes, with Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 116

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 116 passed Third Reading by a vote of 47 ayes, with Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 420

Representative Segawa moved that H.B. No. 420, having been read throughout, pass Third Reading, seconded by Representative Lee.

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak against this bill.

Mr. Speaker, last year, when we passed the Prepaid Health Plan, we knew that it would put some burden on the small businesses and, at that time, we made it optional on the businesses to provide prepaid health, and now we are coming back and there are some questions in my mind that it will affect the small businesses in bookkeeping. We are saying that the employees have the right to choose the type of prepaid health they would like to have. I know the bigger businesses can absorb the cost, but I am afraid that the small businesses will be hurt a lot more than the big businesses. I am voting against this bill."

The motion was put by the Chair and H.B. No. 420 passed Third Reading by a vote of 42 ayes to 5 noes, with Representatives Blair, Carroll, Larsen, Lunasco and Sutton voting no, and Representatives

Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 606

Representative Lee moved that H.B. No. 606, having been read throughout, pass Third Reading, seconded by Representative Takamine.

At 2:14 o'clock p.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:49 o'clock p.m.

Representative Cobb then rose and stated:

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

Mr. Speaker, this bill could introduce what potentially could be a modern-day Tammany system of political payoffs in Hawaii by authorizing employees to serve on boards and commissions as a reward for campaign activities. I personally agree with the idea that Governor appointees have a great deal to contribute to boards and commissions, but I think we should insure that such contributions are based on job performance and not political performance.

In voting against the bill, I do so on the basis of potential political abuse plus the danger of sabotage in State and County disputes of conflicting policy. In addition to the incredible amount of infighting that goes on today in the many State boards and commissions on the State levels, I think we should consider the analogy of Pandora's box and the potential if we open it again. Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I am in favor of this bill. For too long, serving the public by virtue of working for government has meant restrictions as far as I am concerned, and one's civil rights and one's capacities contribute in another way one's community. No one seems very worried at all when one great big corporation puts its head at the head of a commission which makes judgment on the activities of other big corporations. That seems to be alright. But the second

public employee, a public servant, comes up--all of a sudden there is a conflict of interest. All of a sudden people think that suddenly, somehow at that point, that citizen who is making his contribution through public service in government is no longer capable of rendering that same kind of public service in another area. I would maintain that those of us who are in public service, who have been in the past, and hope to be in the future with government--we are judged, we have standards we have to meet. Those of us who have met those standards, I think, as citizens can meet the same kind of standards so I vote 'yes' on this bill."

The motion was put by the Chair and H.B. No. 606 passed Third Reading by a vote of 42 ayes to 5 noes, with Representatives Carroll, Cobb, Evans, Larsen and Sutton voting no, and Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 152

Representative Lee moved that action on H.B. No. 152, HD 1, be deferred until Monday, March 10, 1975, and the Chair, noting that there were no objections, so ordered.

H.B. No. 157

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 157 passed Third Reading by a vote of 46 ayes to 1 no, with Representative Blair voting no, and Representatives Ikeda, Kamalii, Yap and Yuen being excused.

H.B. No. 418

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 418 passed Third Reading by a vote of 47 ayes, with Representatives Ikeda, Kamalii, Yap and Yuen being excused.

The Chair directed the Clerk to note that H.B. Nos. 327, 158, 950, 116, 420, 606, 157 and 418 had passed Third Reading not earlier than 2:53 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 85, H.D. 1:

Representative Kawakami moved that H.B. No. 85, HD 1, be recommitted

to the Committee on Water, Land Use, Development, and Hawaiian Homes, seconded by Representative Kondo.

Representative Cobb then rose and stated:

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

Mr. Speaker, by recommitting this bill, with it goes the last hope of direct legislative accountability in terms of land use decision, and, I think, the basic question should be resolved publicly. I would like to request a roll call vote."

The motion to recommit H.B. No. 85 was put by the Chair and carried by a roll call vote of 34 ayes to 13 noes, with Representatives Abercrombie, Blair, Cayetano, Cobb, Garcia, Ho, Kunimura, Lunasco, Naito, Peters, Stanley, Takamura and Uechi voting no, and Representatives Ikeda, Kamalii, Yap and Yuen being excused.

At 2:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:56 o'clock p.m.

Stand. Com. Rep. No. 200 (H.R. No. 320):

On motion by Representative Peters, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 320 was adopted.

Stand. Com. Rep. No. 201 (H.C.R. No. 100):

On motion by Representative Peters, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 100 was adopted.

On motion by Representative Kimura, seconded by Representative Soares and carried, all Standing Committee Reports laying on the Clerk's desk by 10:00 o'clock p.m. today be adopted and that all House Bills accompanying said Standing Committee Reports pass Second Reading and be placed on the calendar for Third Reading or be referred to the

Committee as recommended in the Committee reports.

At 3:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:02 o'clock p.m.

The Chair then made the following announcement:

"All members should make themselves available today and all evening for Committee report signatures."

#### ADJOURNMENT

At 3:03 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Friday, March 7, 1975.

#### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 202 to 353) were received in the Chief Clerk's Office up to 10:00 o'clock p.m. this legislative day and, in accordance with a motion made earlier, all House bills accompanying said Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading, or were referred to the Committees as recommended in the Committee report:

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 1248 pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 613 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 204) recommending that H.B. No. 852 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 851 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committees on Energy and Transportation and Environmental Protection, presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 48 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Lee, for the Committees on Labor and Public Employment and Health, presented a report (Stand. Com. Rep. No. 207) recommending that H.B. No. 419 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 208) recommending that H.B. No. 156 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 209) recommending that H.B. No. 76 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 210) recommending that H.B. No. 1064 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 549 pass Second Reading and be placed on the calendar for Third Reading.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 212) recommending

that H.B. No. 353 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Ho, for the Committees on Culture and the Arts and Education, presented a report (Stand. Com. Rep. No. 213) recommending that H.B. No. 1710 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 1681 pass Second Reading and be referred to the Committee on Finance.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 1714 pass Second Reading and be referred to the Committee on Finance.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 1912 pass Second Reading and be referred to the Committee on Finance.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 1715 pass Second Reading and be referred to the Committee on Finance.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 1117 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Ho, for the Committees on Culture and the Arts and Higher Education, presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 1256 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 100 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 221) recommending that H.B. Nos. 265, 344, 1028, 1030, 1065, 1080, 1191, 1212, 1259, 1276, 1398 and 1405 pass Second Reading and be referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1378 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 223) recommending that H.B. Nos. 961 and 1319 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 1605 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 1557 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 734 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 227) recommending that H.B. Nos. 183, 184, 189, 224, 226, 309, 314, 496, 692, 708, 936, 958, 974, 1096, 1327, 1403, 1625, 1629, 1675, 1738 and 1812 pass Second Reading and be referred to the Committee on Finance.

Representative Stanley, for the Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No.

228) recommending that H.B. No. 1884 pass Second Reading and be referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 229) recommending that H.B. No. 430 pass Second Reading and be referred to the Committee on Judiciary with certain amendments.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 431 pass Second Reading and be referred to the Committee on Judiciary with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 231) recommending that H.B. No. 1508 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 262 pass Second Reading and be referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 58 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 1345 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 597 pass Second Reading and be referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 561 pass Second

Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 565 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 67 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 1388 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 642 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 801 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 703 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 562 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand.

Com. Rep. No. 244) recommending that H.B. No. 610 pass Second Reading and be referred to the Committee on Judiciary.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 97 pass Second Reading and be referred to the Committee on Environmental Protection with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 281 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 735 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 943 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 452 pass Second Reading and be referred to the Committee on Higher Education.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 215 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 251) recommending that H.B. Nos. 732, 861, 939, 940, 968, 992, 1078, 1122, 1123, 1124, 1125, 1126, 1226 and 1255 pass Second Reading and be referred to the Commit-

tee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 252) recommending that H.B. Nos. 1385, 1504, 1555, 1610, 1611, 1621, 1628, 1630, 1638, 1645, 1657, 1735, 1739, 1806, 1811, 1833, 1888 and 1981 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 1741 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 1203 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 1740 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 1742 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 1775 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 1778 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report

(Stand. Com. Rep. No. 259) recommending that H.B. No. 1779 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 1831 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 1204 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 262) recommending that H.B. No. 163 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 469 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 1201 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 1205 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 1435 pass Second Reading and be referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report

(Stand. Com. Rep. No. 267) recommending that H.B. No. 1436 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 268) recommending that H.B. No. 1399 pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 269) recommending that H.B. No. 1746 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 270) recommending that H.B. No. 678 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 99 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 1337 pass Second Reading and be referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 837 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 1375 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 275) recommending that H.B. No. 962 pass Second Reading

and be referred to the Committee on Finance with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 276) recommending that H.B. No. 935 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 277) recommending that H.B. No. 827 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 278) recommending that H.B. No. 813 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 1061 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 1161 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 1243 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 1567 pass Second Reading and be referred to the Committee on Judiciary.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 723 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 284) recommending that H.B. Nos. 1541, 1577, 1595, 1686, 1725, 1763, 1825 and 1622 pass Second Reading

and be referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 248 pass Second Reading and be referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 286) recommending that H.B. No. 404 pass Second Reading and be referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 639 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 1424 be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 1376 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 867 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 1799 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 409 pass Second Reading and be referred to the Committee on Higher Education with certain amendments.

Representative Kawakami, for the Committee on Water, Land

Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 293) recommending that H.B. Nos. 862, 905, 926, 1128, 1111 and 1231 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 294) recommending that H.B. Nos. 966, 1299, 1401, 1407, 1439, 1506, 1539, 1562, 1593, 1612, 1617, 1626, 1632, 1656, 1674, 1762, 1916, 1973, 1974 and 1977 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 295) recommending that H.B. No. 182, 186, 238, 457, 458, 640, 690, 771, 834, 920, 959, 969, 971, 972, 984, 1005, 1055, 1222, 1245, 1310, 1318, 1332, 1383, 1384, 1387, 1404 and 1406 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 296) recommending that H.B. Nos. 893, 1026, 1139 and 1229 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 297) recommending that H.B. No. 1281 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 1178 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 1631 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 1793 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 301) recommending that H.B. No. 1020 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 302) recommending that H.B. No. 857 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 303) recommending that H.B. No. 1716 pass Second Reading and be referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 304) recommending that H.B. No. 934 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 305) recommending that H.B. No. 1650 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 306) recommending that H.B. No. 680 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 307) recommending that H.B. No. 836 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 1467 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 1460 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 310) recommending that H.B. No. 1068 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 1067 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 312) recommending that H.B. No. 947 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 313) recommending that H.B. No. 933 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 314) recommending that H.B. No. 945 pass Second Reading and be referred to the Committee on Finance.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 315) recommending that H.B. No. 1788 pass Second Reading and be referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 316) recommending that H.B. No. 1294 pass Second Reading and be referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No.

317) recommending that H.B. Nos. 1343, 1761 and 1830 pass Second Reading and be referred to the Committee on Finance.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 318) recommending that H.B. No. 1449 pass Second Reading and be referred to the Committee on Finance.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 319) recommending that H.B. No. 1655 pass Second Reading and be referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 320) recommending that H.B. No. 1542 pass Second Reading and be referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 321) recommending that H.B. No. 979 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 322) recommending that H.B. No. 1693 pass Second Reading and be referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 323) recommending that H.B. No. 1187 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 324) recommending that H.B. No. 856 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 325) recommending that H.B. No. 904 pass Second Reading and be placed on the calendar

for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 326) recommending that H.B. No. 849 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 327) recommending that H.B. No. 1086 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 328) recommending that H.B. No. 1130 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 329) recommending that H.B. No. 142 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 330) recommending that H.B. No. 336 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 331) recommending that H.B. No. 356 pass Second Reading and be placed on the calendar for Third Reading.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 332) recommending that H.B. No. 354 pass Second Reading and be placed on the calendar for Third Reading.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 333) recommending that H.B. No. 352 pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 1886 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 81 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 7 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 337) recommending that H.B. No. 1188 pass Second Reading and be placed on the calendar for Third Reading.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 338) recommending that H.B. No. 1713 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 243 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 1340 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 1304 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education,

presented a report (Stand. Com. Rep. No. 342) recommending that H.B. No. 1140 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 819 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 344) recommending that H.B. No. 623 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 453 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 346 pass Second Reading and be referred to the Committee on Agriculture.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 347) recommending that H.B. No. 1596 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 348) recommending that H.B. No. 24 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 349) recommending that H.B. No. 1322 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 1393 pass Second Reading and be referred to the Committee

on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 1458 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 1768 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 1798 pass Second Reading and be referred to the Committee on Finance with certain amendments.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the foregoing House bills that are to be placed on the calendar for Third Reading.

## THIRTY-SEVENTH DAY

Friday, March 7, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend James Drew of Saint John Vianney Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Carroll, Kamalii, Kunimura and Lee, who were excused.

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

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

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 25) transmitting Senate Concurrent Resolution No. 89 congratulating the Maryknoll High School Varsity Basketball Team on its outstanding season, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.C.R. No. 89 was adopted.

## MISCELLANEOUS COMMUNICATION

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 14) acknowledging receipt of House Resolution No. 232, Regular Session of 1975, was read by the Clerk and was placed on file.

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

Representative Sutton introduced Mr. W. Calvert Brand, a former member of the Indiana State Legislature, from Columbus, Indiana.

Representative Larsen introduced three visitors from California: Mrs. Alice VanKamp, Mrs. Christine VanKamp and Miss Andrews.

Representative Lunasco introduced 38 fifth grade students from Iiahi Elementary School and their teachers, Mrs. Mokulehua and Mr. Ishikawa.

Representative Kiyabu introduced 52 fifth grade students from Waialae Elementary School and their teachers, Mrs. Lau and Mrs. Muranaka.

Representative Morioka introduced 35 sixth grade students from Epiphany Episcopal Church. They were accompanied by their teacher, Mrs. Dennis; Principal, Father Linscott; Room Mother, Mrs. Tsukamoto; and two guests from Danville, Illinois, Colonel and Mrs. Ellery.

Representative Kihano introduced Mrs. Dorothy Stevens and son, Kevin, from Maryland.

Representative Fong introduced 25 sixth grade students from Punahou School and their teachers, Miss Florence and Mr. Kanehe.

At 11:40 o'clock a.m., on request by Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:50 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Carroll, Kunimura and Lee.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
97	Committee on Finance
179	Committee on Finance
180	Committee on Finance
181	Committee on Finance
223	Committee on Finance
225	Committee on Finance

227	Committee on Finance	906	Committee on Finance
234	Committee on Finance	910	Committee on Finance
263	Committee on Finance	921	Committee on Finance
266	Committee on Finance	937	Committee on Finance
279	Committee on Finance	938	Committee on Finance
292	Committee on Finance	954	Committee on Finance
480	Committee on Finance	960	Committee on Finance
492	Committee on Finance	964	Committee on Finance
517	Committee on Finance	967	Committee on Finance
661	Committee on Finance	973	Committee on Finance
684	Committee on Finance	975	Committee on Finance
691	Committee on Finance	986	Committee on Finance
712	Committee on Finance	993	Committee on Finance
713	Committee on Finance	994	Committee on Finance
770	Committee on Finance	1002	Committee on Health, then to the Committee on Finance
820	Committee on Finance	1025	Committee on Finance
825	Committee on Finance	1058	Committee on Finance
835	Committee on Finance	1059	Committee on Finance
881	Committee on Finance	1073	Committee on Finance
882	Committee on Finance	1076	Committee on Finance
883	Committee on Finance	1079	Committee on Finance
884	Committee on Finance	1221	Committee on Finance
885	Committee on Finance	1228	Committee on Finance
886	Committee on Finance	1230	Committee on Finance
887	Committee on Finance	1232	Committee on Finance
888	Committee on Finance	1262	Committee on Finance
889	Committee on Finance	1309	Committee on Finance
890	Committee on Finance	1317	Committee on Finance
891	Committee on Finance	1326	Committee on Finance
895	Committee on Finance	1338	Committee on Finance
897	Committee on Finance	1349	Committee on Finance
900	Committee on Finance	1362	Committee on Finance
901	Committee on Finance	1402	Committee on Finance
903	Committee on Finance		

1427	Committee on Energy and Transportation	Medeiros, Oda, Poepoe, Santos, Soares and Sutton.
1428	Committee on Energy and Transportation	On motion by Representative Evans, seconded by Representative Soares and carried, H.R. No. 550 was adopted.
1431	Committee on Finance	
1484	Committee on Finance	By unanimous consent, the following resolutions (H.R. Nos. 551 to 563) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 10, 1975:
1560	Committee on Finance	
1561	Committee on Finance	
1568	Committee on Finance	
1580	Committee on Finance	A resolution (H.R. No. 551) requesting continuation of federal subsidies for school lunch programs was jointly offered by Representatives Yuen, Abercrombie, Akizaki, Blair, Cayetano, Evans, Ho, Inaba, Kiyabu, Kondo, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada and Yap.
1584	Committee on Finance	
1586	Committee on Finance	
1618	Committee on Finance	
1627	Committee on Finance	
1633	Committee on Finance	
1647	Committee on Finance	A resolution (H.R. No. 552) requesting a study concerning the scope and site of a West Oahu branch of the College of Tropical Agriculture was offered by Representative Abercrombie.
1685	Committee on Finance	
1734	Committee on Labor and Public Employment	
1989	Committee on Finance	A resolution (H.R. No. 553) requesting development of specialized vocational education programs in each public high school was jointly offered by Representatives Segawa, Ajifu, Amaral, Blair, Ho, Lee, Roehrig, Santos, Suwa, Takamine and Yuen.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 549 and 550) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 549) congratulating Mr. Usaku Morihara upon receiving the Order of the Sacred Treasure, Fifth Class was jointly offered by Representatives Inaba, Ajifu, Akizaki, Cayetano, Clarke, Hakoda, Ho, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Mizuguchi, Morioka, Oda, Peters, Roehrig, Segawa, Suwa, Takamine and Yap.

On motion by Representative Inaba, seconded by Representative Suwa and carried, H.R. No. 549 was adopted.

A resolution (H.R. No. 550) honoring the Hawaii National Guard in recognition of "Minuteman Month" was jointly offered by Representatives Evans, Carroll, Clarke, Fong, Hakoda, Larsen,

A resolution (H.R. No. 554) requesting a solution to the problem of student smoking on public school grounds was jointly offered by Representatives Segawa, Amaral, Blair, Ho, Lee, Roehrig, Santos, Suwa, Takamine and Yuen.

A resolution (H.R. No. 555) requesting use of the Mauna Kea Observatory facilities by Hilo College students was jointly offered by Representatives Sakima, Abercrombie, Cobb, Inaba, Kihano, Lunasco, Roehrig, Segawa, Shito, Takamine and Takamura.

A resolution (H.R. No. 556) commending the Kohala Task Force on its efforts to help the Kohala community was jointly offered by Representatives Takamine, Inaba, Kawakami, Roehrig, Segawa and Suwa.

A resolution (H.R. No. 557) providing for a task force to plan for the coordinated utilization of facilities and services in the Fort Ruger area

was jointly offered by Representatives Kiyabu, Akizaki, Blair, Carroll, Cayetano, Fong, Inaba, Kawakami, Kihano, Kimura, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Suwa, Takamine, Takamura and Wakatsuki.

A resolution (H.R. No. 558) requesting the University of Hawaii to establish a program in dance was offered by Representative Abercrombie.

A resolution (H.R. No. 559) requesting more efficient elevator service in the State Capitol Building was offered by Representative Amaral.

A resolution (H.R. No. 560) requesting the State Retirement System to purchase general obligation bonds to enable the Hawaii Housing Authority to purchase residential leaseholds was jointly offered by Representatives Soares, Ajifu, Clarke, Ikeda and Poepoe.

A resolution (H.R. No. 561) requesting federal funds for establishment of a "major violations bureau" for the State of Hawaii was jointly offered by Representatives Soares, Ajifu, Clarke, Ikeda and Poepoe.

A resolution (H.R. No. 562) requesting a management audit of the Corrections Division of the Department of Social Services and Housing was jointly offered by Representatives Soares, Cayetano, Ikeda, Naito, Segawa and Takamine.

A resolution (H.R. No. 563) requesting a federal strike force on organized crime was jointly offered by Representatives Soares, Ajifu, Clarke, Evans, Ikeda and Poepoe.

A concurrent resolution (H.C.R. No. 103) requesting governmental agencies to encourage gardening in housing administered by them was jointly offered by Representatives Soares, Cayetano, Ikeda, Naito, Segawa and Takamine.

A concurrent resolution (H.C.R. No. 104) requesting solution of the problem of expired pasture leases was jointly offered by Representatives Uechi, Akizaki, Blair, Ho, Inaba, Kihano, Kiyabu, Kondo, Lunasco, Machida, Mizuguchi, Naito, Peters, Roehrig, Sakima, Segawa, Stanley, Takamura, Ushijima, Yamada, Yap and Yuen.

A concurrent resolution (H.C.R. No. 105) requesting the Armed Services Committee, Subcommittee No. 5 to schedule hearings and release 1,324 acres of ceded land as advised by the Department of the Army was jointly offered by Representatives Lunasco, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 106) providing for a task force to plan for the coordinated utilization of facilities and services in the Fort Ruger area was jointly offered by Representatives Kiyabu, Akizaki, Blair, Carroll, Cayetano, Fong, Inaba, Kawakami, Kihano, Kimura, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Suwa, Takamine, Takamura and Wakatsuki.

A concurrent resolution (H.C.R. No. 107) requesting the State Retirement System to purchase general obligation bonds to enable the Hawaii Housing Authority to purchase residential leaseholds was jointly offered by Representatives Soares, Ajifu, Clarke, Ikeda and Poepoe.

At this time, the Chair stated:

"This morning, we are privileged to have Mr. Calvert Brand who is a former member of the Indiana Legislature with us and who is visiting our great State, and he is here to convey his aloha from the Hoosier State of Indiana."

The Chair then appointed Representatives Garcia, Kimura, Ushijima, Soares and Poepoe to escort Mr. Brand to the rostrum whereupon he addressed the members of the House as follows:

"Mr. Speaker, members of this very lovely House group:

I say this with all sincerity--Hawaii is our 50th, our youngest State, and as the youngest should be the most beautiful and that certainly is true, not only of your State, but of your just wonderful facilities here for the general assembly. I said earlier that I wished I could

rub Aladdin's lamp and take this back home. I would run again for the House there if I had facilities like this in my home state.

Well, the reason for my having this wonderful privilege this morning is that it is an honor for me to represent Richard Lugar, the Mayor of Indianapolis, our capital city of Indiana. I find that the thing you always think of when I mention Indiana is basketball. Somebody offered to trade me these House chambers for the Indiana University's basketball team over there. But, it is my honor, my privilege, Mr. Speaker, to bring to you very brief greetings and a key to the city of Indianapolis which we hope will be a slight additional enticement to you to visit the states and particularly Indiana and let us show you some Hoosier hospitality such as we are receiving here in the wonderful State of Hawaii.

Thank you so much, and I also have the privilege of presenting one of these keys to... I find that I am in the minority in this House, but it is my privilege to present the key to the city of Indianapolis, again representing Mayor Lugar, to your fine Minority Leader, Mr. Poepoe."

The keys to the city of Indianapolis were then presented to the Speaker and to Representative Poepoe.

Mr. Brand continued:

"I want to express my appreciation to all of you. If you get to Indiana-- I have left a couple of cards around here and I am not that hard to find--I would love to have an opportunity to show all of you around Indiana. Thank you so much."

The Chair replied:

"On behalf of the members of this House, I certainly appreciate the fine gesture of presenting the key to the city of Indianapolis. I wish, Mr. Brand, when you get back to your great city that you would convey all of our good wishes and aloha to your good Mayor. Thank you very much."

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares 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. 115

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 115, HD 1, was recommitted to the Committee on Judiciary.

##### H.B. No. 677

Representative Kawakami moved that H.B. No. 677, having been read throughout, pass Third Reading, seconded by Representative Ho.

Representative Kawakami then stated:

"Mr. Speaker, I rise to speak in favor of House Bill 677, House Draft 1.

The purpose of this bill is to establish a comprehensive State planning policy for our State which we all recognize has been long overdue. It is the outgrowth of our longstanding concern in the Legislature for an overall growth plan, and particularly highlighted this session by our discussions on the specific issue of the role of the State Land Use Commission. One of the limitations which the Land Use Commission has worked under has been the lack of statewide guidelines and parameters by which to render land use decisions. It is, therefore, part of a package of two bills, the other being House Bill 1870, House Draft 1, which requires the State Land Use Commission to render its decisions in accordance with the policies and criteria developed under this bill.

The bill provides that the State

Department of Planning and Economic Development be responsible for the planning coordination and the preparation of a State planning policy. The development of this State planning policy is to include the participation and assistance of each county through its policies, general plans and public hearings.

The bill further requires that the formulation of this State planning policy incorporate social, economic, and environmental factors. The Department of Planning and Economic Development is also required to conduct studies, evaluations, and monitor conflicts in the implementation of these planning policies as well as advise the legislative and administrative branches of government.

Mr. Speaker, this State planning policy bill has to be one of the major pieces of legislation we are acting on this session. Its product will serve as a future guide for County and State agencies in their land use planning. Because we all recognize that there is a need for a State growth policy and for coordinated planning in the determination of what our State is going to look like, I urge the members of this honorable body to vote favorably on House Bill 677, as amended."

Representative Clarke then stated:

"Mr. Speaker, I rise in support of one of the most far-reaching bills ever to be presented to this body for passage--House Bill 677, House Draft 1.

Since 1957, a variety of 'master plans' have been conceived at the State and County levels. These plans have been concerned primarily, and almost exclusively, with land use. Lately, it has become evident that Hawaii must be concerned with a planning process that also addresses itself to broad social objectives, of which land use would be but one element.

In our Republican legislative program for 1975, we pointed out that the absence of such a comprehensive, long-range program has deprived both the County and State officials of a vital and functional tool, even within the specific area of land utilization. Frequently, State departments

have been working at cross purposes. County-State conflicts over land use designations have been commonplace. County general plans have objectives and an existence entirely separate from the decisions of the Land Use Commission.

We have maintained that what is needed--and what has been needed for a long time--is a truly comprehensive, long-range policy planning program; one which will not only set State social objectives, but which will also coordinate intra-state departmental programs and integrate County and State general plans into one cohesive whole. Because of the importance of this broad-gauged program, the Republicans, in the interests of the State, worked closely with the Democratic members of the House to develop this landmark legislation. We feel that House Bill 677, House Draft 1, along with its companion bill, House Bill 1870, House Draft 1, will provide the State the direction and goals that have been so sorely lacking.

The concepts of House Bill 677, House Draft 1, were supported by the county planning directors and private planners because this legislation fills the long-needed gap in our State's planning process. It may proceed on a more orderly, predictable and rational basis.

Mr. Speaker, the Republicans of this House are pleased to have taken the initiative that led to the creation of House Bill 677, House Draft 1. We commend you, your Committee Chairman, and the members of the majority in producing the open and integrated decision-making process promised on the opening day of this session. I ask all members of this body to vote aye on House Bill 677, House Draft 1.

Thank you, Mr. Speaker."

Representative Stanley then rose and spoke against the passage of House Bill 677, House Draft 1, as follows:

"Mr. Speaker, the proposed bill has a commendable intent--the creation of a State General Plan. The hope of the bill's supporters is that the development of a plan will establish policies that will make orderly growth and development possible. Thus, in the years ahead, the Land Use Commission will be able to make wise decisions in accordance with the General Plan. However, I suggest

that the practice will continue in the same manner as it is today. The Land Use Commission will be making decisions which people will view as being good or bad, consistent or inconsistent with the General Plan, just as it is today. Good planning is a process, not subject to precise codification. A General Plan will not insure that the result will be what we want.

Our role as the Legislature should be to design the planning process, and as part of the process, provide for legislative review of the planning and land use decisions affecting our future. Therefore, I believe that House Bill 677, House Draft 1, will not accomplish our desired hope for good planning or good land use decision; it offers only false hope. We need, instead, a process that provides for planning, citizen participation, and legislative review.

I urge my honorable colleagues to vote against this measure."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to support House Bill 677 as one of those on the Water, Land Use, Development, and Hawaiian Homes Committee, who contributed, I hope, to what Representative Clarke mentioned as the open decision-making in this area.

There were several bills that were put forth on comprehensive policy planning; we have gone into it thoroughly and this bill is the result. It's a cooperative endeavor and it is based on what we hope are the needs and aspirations of people throughout the State. The State lacks policy direction statewide and in the absence of a comprehensive policy plan and direction, unlike the appointees removed from the electoral sanction, makes policy in the void of leadership. Mr. Tangen, of the Land Use Commission, himself has stated many times that minus policy direction, the Land Use Commission must act on what amounts to an ad hoc, piecemeal basis. He prefers a judicial review which is embodied in House Bill 1870 which I shall oppose when it comes up as I believe this is available in any event. But while bemoaning the

lack of a plan, the Land Use Commission, in effect, makes it as it goes along. Naturally, it would prefer to do so as there is no legislative sanction. The Land Use Commission can make rules as it goes along and does this as it pleases because we have no State comprehensive plan.

House Bill 677 will give us the opportunity in January of 1976 to present to the people of the State such a plan. It will give us the opportunity, and I am addressing my remarks now to the very pertinent points made by Representative Stanley-- it will give us the opportunity at that time to correct the deficiencies which she sees may occur if we do not pay proper attention to the capacity which are ours in the passage of this bill. I, for one, am going to remain vigilant in respect of Representative Stanley's fears so that when this bill comes to us in the form of a plan, that we, in the Legislature, will meet our responsibilities, come out with policy direction that will move the State forward in a way that will fill a void of leadership that I have mentioned.

In conclusion, Mr. Speaker, I would hope that we take this opportunity which, to my mind, is one of those instances that occasionally happens in a history of a state, perhaps of a nation, in which people are allowed the opportunity, historically, to make a decision that will affect every one of their lives and the lives of their children and their children to come, and that opportunity is before us now. I recall, when I ran for office this time, saying to people who were thinking of whether or not they might vote for me that I was running for the thirteen year old vote and the reason for that was that by the time the thirteen year olds were eighteen years old and eligible to participate in the electoral process, that most of the decisions--the basic fundamental land decisions, water decisions, environmental decisions--the basic decisions that would affect their lives for the rest of their lives would already have been made by this Legislature, the Eighth Legislative Session, and the one to come. That's the heavy weight of responsibility that is upon us now and it is also our great opportunity. I believe we are at a juncture in the State in which our decisions will have that kind of effect and are that important and that is why I support this bill. And, I welcome the fact that it is

a non-partisan opportunity, a non-partisan approach, so that we can show to the people of the whole State that we are united in this effort and that everyone-- Republicans, Democrats, or whatever their political persuasion--recognizes the importance of it, so I ask the concurrence of this body on House Bill 677, House Draft 1.

Thank you, Mr. Speaker."

Representative Soares then stated:

"Mr. Speaker, it is with great pleasure that I rise to speak in favor of House Bill 677, House Draft 1.

Mr. Speaker, this is a momentous occasion that has been many years in the making. For over three years, your minority members have been assisting this body in developing the criteria for a comprehensive set of statewide policies. Citizen task forces were formed, programs were developed, and lively Committee discussions ensued. In 1974, I introduced House Bill 2448 which received tremendous support by professional planners throughout the State. This year, the Republican caucus introduced House Bill 237 which again was thoroughly discussed and widely supported. The State is the beneficiary of this interplay of the democratic process in the form of House Bill 677, House Draft 1.

Members of the House, with the passage of this Act, we will have taken a giant step towards predictable State goals and, at the same time, re-enforce the faith that the democratic process brings out the best in Americans.

Mr. Speaker, I am proud to cast my vote in favor of the future of the State of Hawaii as embodied in House Bill 677, House Draft 1, and in the spirit of cooperation from which it emerged."

Representative Kawakami, on a point of clarification, stated:

"Mr. Speaker, House Bill 677 is a majority measure."

Representative Soares then inquired whether or not the Chairman of the Water, Land Use, Development, and Hawaiian Homes Committee

would yield to a question to which Representative Kawakami replied in the affirmative.

Representative Soares then inquired whether or not House Bill 677 has within it House Bill 237.

Representative Kawakami replied:

"Mr. Speaker, not in its entirety. I think the legislative process is a process of getting maximum input and I feel that as far as the minority members in the Committee were concerned, they have contributed to the final development of this bill."

Representative Soares then stated:

"I would like to rise and commend the Chairman of the Committee for the spirit of cooperation with which this bill has emerged."

Representative Kunimura then stated:

"Mr. Speaker, I rise in favor of this particular measure.

I would like to state that beautiful words and phrases uttered here today do not give us the whole aku. Yesterday, we had the whole aku. Yesterday's bill, House Bill 85, with this bill, would have been a perfect land use procedure for this State. But I still cannot understand why we sent half of the aku back into the ocean and I hope not ending up with the tail of the aku. I would like to serve notice here today that the fight is not over. Next year, we will try to revive 85. Thank you."

Representative Kawakami responded:

"I think we have the sashimi with us."

The motion to pass H.B. No. 677 on Third Reading was put by the Chair and H.B. No. 677 passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Naito and Stanley voting no, and Representatives Kamalii, Lee, Lunasco and Shito being excused.

#### H.B. No. 1870

Representative Kawakami moved that H.B. No. 1870, having been read throughout, pass Third Reading, seconded by Representative Ho.

Representative Larsen then rose

and stated:

"Mr. Speaker, I rise to speak in support of House Bill 1870, House Draft 1.

This bill and its companion House Bill 677, House Draft 1, not only re-establish the proper balance between the legislative and executive functions of our government, but also insure that this honorable body will not assume the additional administrative burden of considering many land use and special permit applications. With the past abdication of the Legislature, the Land Use Commission has operated under an untenable delegation of legislative power. Currently, the Commission interprets and implements land use policy because of the legislative vacuum in this area. Passage of these two bills will re-establish a proper balance between the Legislature and the Land Use Commission. The bills require the Legislature to reassert its function as a policy making body. Without definitive policy guidelines, the system was inadequate. Without the procedural refinements, which House Bill 1870, House Draft 1 provides, the system operated in fits and starts. It never measured up to the expectations of the people of Hawaii.

As an integrated package, these two bills represent the combined efforts of the Democrats and the Republicans in this State House, as well as many hours of hard work by the new State Administration. I, for one, am honored to have been fortunate enough to participate in the development of this landmark legislation and I urge the members of this body to vote in its favor.

Thank you, Mr. Speaker."

Representative Kawakami then stated:

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

We, in the House, have had extensive discussions on the specific issue of the State Land Use Commission. We have felt compelled to respond to recent public reaction to certain actions taken by the Land Use Commission in its required five year boundary review. We have exchanged arguments, ideas, information, and points of view.

have explored the alternatives, talked with our constituents, listened to testimony. And this is as it should be; this is our responsibility as legislators.

And I think you will agree with me, Mr. Speaker, that throughout our deliberations, we have kept uppermost in mind the dual criteria of providing accountability in government and providing more effective participation in the land use decision making process. We have found that achieving these concepts is not impossible. We have found they can be accomplished by examining the process by which the Commission operates, and by ensuring that this process is in fact an accessible, equitable, and accountable one. And we have found, Mr. Speaker, that one of the problems of the Land Use Commission is that it has been without procedures or set of rules and guidelines to follow.

Mr. Speaker, this bill before us today, House Bill 1870, as amended, reflects this through the incorporation of significant procedural reforms. It establishes procedures which will assure maximum input from the counties as well as the State. It will also assure maximum citizen input in an orderly and equitable manner through an adversary process in which all interests will have the opportunity to compete and present evidence in an open forum. The bill accomplishes this by reconstituting the Commission into a judicial body mandated to make impartial decisions based on proven facts and established policies.

This means that the Commission, in conducting its hearings, must follow rules applicable to a judicial agency, such as a restriction on members from discussing the facts of a case with anyone, a requirement that decisions made must be solely on the evidence received, and a requirement that decisions must be in writing. Standing an eligibility to participate in the hearings is as wide as we can make it. The procedures allow affected parties to call and cross examine witnesses, present evidence and arguments and written rulings from the Commission.

The bill also provides that land use district boundaries existing on the effective date of the Act will continue in full force and effect. This is not intended to ratify or validate any past Commission actions

but simply to provide that existing boundaries shall continue, subject to amendment, as provided in the bill and to judicial review. This is to provide a starting point, and cases on appeal at the present time are excluded.

Action on this bill will insure the effective application of the land use policies and guidelines to be established under House Bill 677 which we took action on earlier. Guidance policies developed under House Bill 677 would govern the Commission in its decisions, and the bill before us now also requires the courts, in reviewing a contested case ruling, to examine whether or not the Commission's actions are in accordance with these general policies as well as the evidence presented and proper procedures followed.

Mr. Speaker, I feel that House Bill 1870, House Draft 1, by tightening the procedures by which the Commission shall operate, meets the concerns expressed by the public regarding the manner in which land decisions shall be arrived at in our State and I think it meets the concerns expressed by my colleagues. I also think that it will work to restore some measure of accountability and public confidence in our governmental processes. I cannot help but feel that this bill is the result of the collective thinking of us all here in the House and that it is a reflection of wide ranging discussion and argument, and it therefore is a bill worthy of everyone's favorable vote.

For these reasons, Mr. Speaker, I urge the members of this honorable body to vote aye on House Bill 1870, House Draft 1."

Representative Cobb then stated:

"Mr. Speaker, I rise to speak against House Bill 1870, House Draft 1.

Mr. Speaker, some of the previous remarks directed on the floor here touched on the questions of policy, public participation and standing. The policy contained in this bill is going to cut public input, not increase it. It is going to cut it by limiting the parties that can become an adversary in the proceedings. It is going to limit the standing, in effect,

to property owners and government agencies and that, Mr. Speaker, is not reform--that is a step backwards from the open participation process that we now have where anyone with a vital interest in the land for the use of that land can initiate a proceedings as well as participate in it. In effect, it is almost 180 degrees from House Bill 85 and from what we have now. And bad as it is that we have now, at least we have a chance for public input. We have a chance for public initiation but, with this bill, we will have to rely on the mercy and the good graces of government agencies who are not accountable to us or to the general electorate. The question then becomes--how do we initiate a land change to conservation or to up-zone even to urban? The answer is that only a property owner or a government agency can initiate such a request and, as a result, this bill cuts off the public initiation of any review of land use boundary. It cuts off any community association that says no. This is not right for our community and it leaves that discretion solely to the property owner in question or to a government agency. It is not accountable. This would affect an area such as Waiahole-Waikane, West Oahu College or even a Town for once that basic decision is made, then the public has been cut off.

When we look at the history of the Land Use Commission, Mr. Speaker, we go back to some of the decisions that were made early in the decade of the 1960's and the resulting court actions and decisions pointed out that some of those decisions were made in violation of the Administrator's Procedures Act. Yet, they were made and forced into effect along with the land use boundaries of today, and by doing so in this measure, in effect, ratifies that. We are cutting off the public from any opportunity to initiate a review to reverse these errors because, in effect, the statute of limitations has long since run and, in response, we are running from the public.

It is a very basic philosophical question that perhaps causes a disagreement on this bill, Mr. Speaker. And that is whether 70 or 100 property owners in this State should be the ones limited to initiating review processes of land use or whether we should include the rest of the State population who would have a direct and compelling interest

and an immediate effect and allow them to make such an initiation. The standing, at least in this bill, is broad enough to say that if a person is directly affected, he can become a party to the adversary proceedings. But then, I quote from the bill: 'Others may apply to intervene unless the applicant's position is substantially the same as the admitted party and admitting additional parties will make the proceedings inefficient and unmanageable.' And there, Mr. Speaker, a straw man can be set up for one party, can intervene, and say this affects me, and all other parties, including the community associations, would then be barred and then what kind of an adversary proceedings would we have?

Mr. Speaker, the basic flaw in this bill is this limitation of public initiation and if we are going to be making land use decisions, Mr. Speaker, I think we need to include all segments of the government and the public and since we are not doing so in all cases here, I urge my colleagues to vote against this bill.

Thank you, Mr. Speaker."

Representative Roehrig then stated:

"Mr. Speaker, I rise to speak in favor of this measure. However, in doing so, I would just like to voice a few of my concerns that I would like to see taken care of during the coming year. I think it has been the concern of your membership of this House that the Land Use Commission in its decision making show some accountability, more accountability than they have in the past to the general public of this State for the welfare of the State. I have been concerned about the lack of foresight in some of the decisions that have been made by the Land Use Commission. I have been concerned about the apparent trade-offs that have been made in their decision making. However, in part, I think we have to share some of the responsibility for their lack of direction because we have provided little in the way of statewide policy planning to give them guidance.

I think yesterday, as the saying goes from Representative Kunimura,

maybe the aku got away. I thought that was the ahi but I have learned in this august body that legislation is the art of the possible. What is most advanced, yet unacceptable, is what will be approved by this House and it was apparent to me last week that the fish got out of the net. I would like to see us adopt something to improve the system from what it has been in the past and I feel that this bill is a step in the right direction, and if the judicial review is done properly and some of the questions relating to standing could be clarified as this legislation goes through the legislative process, we will have a more workable fabric in which to plan our land use decisions for the era of the '70s and beyond and I, for one, will be watching the Land Use Commission during this year and next year. Whether it is election or not, if they have not been responsive and accountable in their actions, there's going to be a lot more trouble than there was this year. Thank you."

Representative Peters then stated:

"Mr. Speaker, I rise to speak against this bill. It is a cop-out.

Yesterday, we dealt with House Bill 85 which was the whole aku. As a Hawaiian, I know what this legislation will do. Too often, the use of land in this State, the decisions thereof, have been abused. There have been a number of statements in our deliberations. The Legislature should confine itself to legislative matters. I concur--the use of land is definitely a legislative matter. I am opposed to any inequities that allow appointees of a commission to make these kinds of decisions which has undivided importance. It is our responsibility--nobody else's. When I ran for office--I am sure that many of my colleagues initiated basically the same concerns--that I am tabbed with the responsibility of representing the best interests and welfare of my constituents, the best interest and welfare of this State. I beseech them now to crystalize that concept and make democracy work in opposition to this bill. We have in the City and County of Honolulu, as well as the other counties, this process--this practice where the commission or the planning commission, if you will, will review the application on zoning, but the final decision is left with the legislative body,

the City Council. I would like to have that kind of process crystallized and implemented here. Anything short of that is a cop-out--no ifs or buts about it. We deal and are called upon to make major decisions--this from a budgetary point of view to the tune of \$1 billion and yet there have been remarks here to say we don't have the time to make decisions that has to do with land use. I disagree. I ask you to be accountable, to be responsible, and make the right decision. Vote down this bill and bring back the aku. Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I rise to speak in favor of the most significant piece of legislation to reach this floor in all of my years in this body--House Bill 1870, House Draft 1, the natural complement to House Bill 677, House Draft 1 just passed.

For years, the uncertainty in the land use designation process, devoid of goals and a definite set of procedures, has stifled our economy and encouraged land speculation. With specified procedures and uniform goals to apply, the Land Use Commission may now live up to the potential forecast for it in the early 1960's by nationally known authorities in the field of land use planning.

In these critical times, our economy begs for stability. House Bill 1870, House Draft 1, provides for applying House Bill 677, House Draft 1's policies which will permit the land user to accurately assess the future development of not only his land but also the land of his competitors. Stability will return to our economy and speculation will be dampened. This package of statewide comprehensive concept and the administrative implementation plan represents the first in what I hope will be a continuing joint effort by the Administration and both parties in the House in the best interest of the State.

Members of this House, I urge you to join me in supporting this effort. Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to do as I said when I spoke on House Bill 677 to urge this body to vote down 1870.

Land issues are more than just that. Therefore, decisions on land affect more than just the members of a single district. We talk about the politics of things and say, oh, we don't want to get into that; we are going to try and do everything in the best interest. Well, part of the best interest is deciding politically, as Representative Roehrig has said, what's possible. The part of what's possible is about what you want to reach for; what you really basically desire; what you really want to have when you come into this body; when you come to the point where you are the person making the decision as Representative Peters has said. I don't shirk that. I came in here to do just exactly that. And now when we have passed 677, our great opportunity that in January of next year, our great opportunity to pass the policy decisions previous to that, we are going to pass a bill which is going to limit us before we even had the chance to vote on the plan. If we put this into effect, and I beg your attention on this, because I know so many times the speeches on the floor and so on are necessarily proforma; minds are made up but not all the time. I found myself coming unto this floor all ready with my mind not necessarily set, relying on the good judgment of my colleagues in many instances. But in this--it is so important--I ask you to think about it if your mind is . . . as Representative Peters has said, hasn't crystallized entirely. Think about it. We just passed a bill that gives us the opportunity to draw the kind of plan which will include. . . don't forget the role of the Land Use Commission in that plan when we voted and don't forget 677 calls for us to do the voting. We are the ones that have said we will take the responsibility, why now then give over to the judiciary the review? Why is it?

In every other instance, with master plans coming in from the Department of Education involving hundreds, sometimes thousands of items; when budget decisions being made involving hundreds, sometimes thousands of items; when we see people, hundreds of people in our midst, and so on, are we now disenabled from being able to make the most fundamental decisions that command all our lives

and the lives of the children? Now again, that might sound mockish; it might sound corny to talk about, but that is, in fact, the reality. They are dependant upon us. The people of this State have put this responsibility upon us. Now, let us give ourselves then the opportunity to determine the role of the Land Use Commission some seven or eight months from now. Hearings will be held; all the kinds of things that were spoken of by Representative Cobb are going to be dealt with in terms of the hearings that will be held which results in the general plan--the statewide plan--it will be presented to us. At that time, not only the role of the Land Use Commission, but the various departments, the various other commissions, the Office of Environmental Quality Control--all these kinds of offices, commissions and appointees will be discussed and we will vote at that time. Why box ourselves in now, especially when you read the bill closely, you will find that the judge, a judge, will be making the decision on the manifest weight of the evidence. I refer you to page 13--the manifest weight of the evidence. We are going to set up a new commissioner above the commissioner which now already exists. And that commissioner will not be the Legislature.

Too long in this country, too long--far too long--we have had the concept of developing for good reasons and bad--going all the way back to the depression, World War II, subsequent great economic disasters that have worked social disasters and war. We have given over to appointive agencies, whether it is the FCC, Federal Drug Administration, all these various administrative bodies--given over to them what is rightfully in the hands of the people. We are going to celebrate the bicentennial of this nation--200 years. And when the nation was formed, it was formed by men and women who took responsibilities unto themselves--they were proud of that. That is what made us unique as a nation and this State was made and is made today--look around the room, the kinds of people that are here--is made by the people who determine that they were not going to knuckle under wherever they were and however they lived. They were

going to make their own stands and their own decisions. That is why this House exists today; that is why this State exists today--that is the glory of this State. That is why it is my privilege to live here. This is where I want to be because that is what this State is, so I am making an emotional appeal to you. I am making an emotional appeal to you based on the closest reading I can of the facts involved. If you haven't made your minds up yet on this bill, or if you have and are willing to open it, just a crack, to see whether this might make sense, think about your vote and think about giving ourselves the opportunity to present ourselves some eight months hence--eight or nine months hence--to the voters as responsible people worthy of their vote.

Please vote no on this bill. Thank you, Mr. Speaker."

Representative Takamura then rose and stated:

"Mr. Speaker, I would just like to respond. I think, as a person who came to this body today, I think, with some severe questions about how I will vote on this issue. . . I've kind of really been trying to listen carefully to the kinds of comments that have been made; also to think about what I feel about the problem of land in this State of ours; the great need for us to make sure that the land is used wisely because we have so little of it. . .

Representative Kawakami, on a point of order, interrupted:

"Mr. Speaker, is the speaker speaking for or against the bill?"

The Chair replied that the point was well taken and directed Representative Takamura to state his point.

Representative Takamura continued:

"I will get into that. I believe that, at this time, I would just like to say that I would like to join with Representative Abercrombie and urge the members of this body to vote against this bill. I personally feel that even House Bill 85 which I was hoping to see passed--even that I felt had flaws in it which would not really solve the problems that we face, and I don't think this bill does it either and I think I would prefer to have us give ourselves the time to

talk more carefully with the constituents and to also get more input from those agencies and people involved that could help us make wiser decisions on this important issue.

I don't think a year is too long to wait--the time between the next session comes for us to come up with a better plan to help us better meet the problems that we face regarding land use. I think that this is the least we can give ourselves and the most that we can give to the people of the State so that we can make the best possible decision on this crucial issue."

Representative Kunimura then stated:

"Mr. Speaker, I rise to speak against this bill, and my colleague from Kauai, I make a personal plea at this time that all the arguments presented before this body, I would like to summarize here, indicate that because of bipartisanship, that this is the correct solution.

I have not heard any arguments for this bill that would convince me that I should vote for this bill, but the arguments against this bill are heavy. I think we should bide our time. We passed the other bill--the State plan. I think that would be sufficient mandate. Please don't stifle and suffocate the issue of land use for this State by adopting this particular measure. As our motto stands--"Ua mau ke ea o ka aina i ka pono" which is translated: "The life of the land is perpetuated in righteousness"--let us all uncommit right now, call a short recess, and think very deeply because what we are about to do may be the great rape. Thank you very much."

Representative Cobb then stated:

"Mr. Speaker, normally, I don't rise the second time, but the Representative from Waianae brought a thought--a rather sad historical footnote on this measure. And that is, for over a hundred years, we have been taking land from the Hawaiian people and now, with this bill, we are denying them the right to even ask for a request of what happens to that land."

The motion to pass H.B. No. 1870 on Third Reading was put by the Chair and H.B. No. 1870 passed Third Reading by a roll call vote of 35 ayes to 12 noes, with Representatives Abercrombie, Cayetano, Cobb, Garcia, Ho, Ikeda, Kunimura, Naito, Peters, Stanley, Takamura and Yuen voting no, and Representatives Evans, Kamalii, Lee and Shito being excused.

#### H.B. No. 1248

Representative Roehrig moved that H.B. No. 1248, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Just a short note for the Journal. Although we are removing the numerical restriction on resident population of conditional release centers, we would like the Journal to reflect that this is not intended as an avenue for the Department of Social Services to start making budgetary request for additional staff for these conditional release centers nor do we want them to start having resident population of these centers greatly in excess of the present ceiling. Thank you."

The motion was put by the Chair and H.B. No. 1248 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

#### H.B. No. 613

On motion by Representative Stanley, seconded by Representative Peters, H.B. No. 613 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

#### H.B. No. 852

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 852 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

#### H.B. No. 851

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 851 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 48

On motion by Representative Cayetano, seconded by Representative Blair, H.B. No. 48 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 419

On motion by Representative Segawa, seconded by Representative Naito and carried, action on H.B. No. 419 was deferred until Monday, March 10, 1975.

H.B. No. 156

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 156 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 76

On motion by Representative Yuen, seconded by Representative Machida, H.B. No. 76 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 1064

The Chair re-referred H.B. No. 1064 to the Committee on Finance, notwithstanding the recommendation of the Committee report.

H.B. No. 549

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 549 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 353

On motion by Representative Kawakami, seconded by Representative Ho and carried, action on H.B. No. 353 was deferred until Monday, March 10, 1975.

H.B. No. 1399

Representative Kawakami moved that H.B. No. 1399, having been read throughout, pass Third Reading, seconded by Representative Ho.

At 2:34 o'clock p.m., on request by Representative Ajifu, the Chair declared a recess, subject to the call of the Chair.

At 2:35 o'clock p.m., the House of Representatives reconvened.

Representative Ajifu then rose and asked the Chair for a ruling as to whether or not there was a conflict of interest as he has an easement that involves this particular measure.

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

The motion was put by the Chair and H.B. No. 1399 passed Third Reading by a vote of 45 ayes, to 2 noes, with Representatives Oda and Sutton voting no, and Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 1187

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 1187 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 856

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 856 passed Third Reading by a vote of 47 ayes, with Representatives Evans, Kamalii, Lee and Shito being excused.

H.B. No. 904

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 904 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 849

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 849 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 1086

On motion by Representative Yamada,

seconded by Representative Yap, H.B. No. 1086 passed Third Reading by a vote of 44 ayes to 2 noes, with Representatives Ajifu and Cobb voting no, and Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 1130

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1130 passed Third Reading by a vote of 45 ayes, with Representatives Amaral, Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 142

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 142 passed Third Reading by a vote of 45 ayes, with Representatives Amaral, Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 336

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 336 passed Third Reading by a vote of 45 ayes, with Representatives Amaral, Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 356

On motion by Representative Uechi, seconded by Representative Inaba and carried, action on H.B. No. 356 was deferred until Monday, March 10, 1975.

H.B. No. 354

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 354 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 352

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 352 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 1886

On motion by Representative Takamine, seconded by Representative

Peters and carried, H.B. No. 1886 was re-referred to the Committee on Finance.

H.B. No. 81

Representative Yuen moved that H.B. No. 81, having been read throughout, pass Third Reading, seconded by Representative Machida.

Representative Yuen then stated:

"Mr. Speaker, for the record, I simply want to state that this bill requires no additional appropriation for implementation."

The motion was put by the Chair and H.B. No. 81 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 7

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 7 passed Third Reading by a vote of 46 ayes, with Representatives Evans, Kamalii, Lee, Shito and Sutton being excused.

H.B. No. 1188

On motion by Representative Sakima, seconded by Representative Suwa, H.B. No. 1188 passed Third Reading by a vote of 45 ayes, with Representatives Evans, Kamalii, Lee, Segawa, Shito and Sutton being excused.

At 2:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 2:41 o'clock p.m., the House of Representatives reconvened.

H.B. No. 1713

On motion by Representative Ho, seconded by Representative Abercrombie, H.B. No. 1713 passed Third Reading by a vote of 45 ayes, with Representatives Evans, Kamalii, Lee, Segawa, Shito and Sutton being excused.

H.B. No. 243

Representative Roehrig moved that H.B. No. 243, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Medeiros then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 243, House Draft 1.

Mr. Speaker, many of our elementary schools are located near streets, including six lane highways which pose a threat to the lives of our young students. This bill provides that each County Chief shall appoint, train, and compensate adult traffic monitors to assist the Police Department for the implementation of the Junior Police Officers' Program wherever it is necessary. Mr. Speaker, nothing contained in this bill shall be construed to diminish the role now performed by the Junior Police Officers.

Mr. Speaker, I urge this honorable body to vote in favor of this bill. Thank you."

The motion was put by the Chair and H.B. No. 243 passed Third Reading by a vote of 45 ayes, with Representatives Evans, Kamalii, Lee, Segawa, Shito and Sutton being excused.

At 2:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:48 o'clock p.m.

The Chair, at this time, directed the Clerk to note that H.B. Nos. 677, 1870, 1248, 613, 852, 851, 48, 156, 76, 549, 1399, 1187, 856, 904, 849, 1086, 1130, 142, 336, 354, 352, 81, 7, 1188, 1713 and 243 had passed Third Reading not earlier than 2:03 o'clock p.m.

Representative Peters, at this time, stated:

"Mr. Speaker, last few weeks, my colleague, Representative Tony Kunimura, has taken many members of these hallowed halls to task for not abiding by our Aloha Friday rule. I realize, Mr. Speaker, that this is a very trying time, economically speaking. As a consequence, my colleague and I have brought a hat today because we were unable to find some calabash. We hope that the members here can contribute and help those who are unable to afford aloha shirts. Thank you."

Representative Garcia then rose and stated:

"Mr. Speaker, I rise on a point of personal privilege. I like to wear a suit simply because it provides me with an extra layer of clothing for protection."

Representative Kimura then made the following motion:

"Mr. Speaker, I move that all Standing Committee Reports laying on the Clerk's desk by 12:00 midnight tonight be adopted and all House bills accompanying said Standing Committee Reports pass Second Reading and be placed on the calendar for Third Reading or be referred to the Committee on Finance or to the Committees as recommended in the Committee reports.

The motion was seconded by Representative Soares.

The Chair then requested all members to check with their Committee Chairmen on Saturday and Sunday at 9 a.m., 12 p.m., 2 p.m. and 4 p.m. to sign Committee reports.

#### ADJOURNMENT

At 3:00 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Monday, March 10, 1975.

#### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 354 to 393) were received in the Chief Clerk's Office up to 12:00 midnight this legislative day and, in accordance with a motion made earlier, all House bills accompanying said Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading, or were referred to the Committees as recommended in the Committee reports:

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 354) recommending that H.B. No. 91 pass Second Reading

and be placed on the calendar for Third Reading with certain amendments.

Representative Kawakami, for the Committees on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 285 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 356) recommending that H.B. No. 1002 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 357) recommending that H.B. No. 1732 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 1342 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen for the Committees on Education and Higher Education, presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 866 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committees on Higher Education and Culture and the Arts, presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 1724 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committees on Higher Education and Health, presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 345 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 362) recommending that H.B.

No. 1486 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 1608 pass Second Reading and be referred to the Committee on Finance.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 1691 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 1729 pass Second Reading and be referred to the Committee on Finance.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 366) recommending that H.B. No. 318 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Takamura, for the Committees on Youth and Elderly Affairs and Environmental Protection, presented a report (Stand. Com. Rep. No. 367) recommending that H.B. No. 1312 pass Second Reading and be referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 1180 pass Second Reading and be referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 1867 pass Second Reading and be referred to the Committee on Judiciary with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 611 pass Second Reading and be referred to the Committee on Judiciary with certain amendments.

Representative Yamada, for the Committee on Consumer Protection

and Commerce, presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 823 pass Second Reading and be referred to the Committee on Labor and Public Employment with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 1842 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 1328 be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 1344 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 1330 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 376) recommending that H.B. No. 1556 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 377) recommending that H.B. No. 1730 pass Second Reading and be referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 686 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 379) recommending

that H.B. No. 409 be referred to the Committee on Finance with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 1873 pass Second Reading and be referred to the Committee on Finance with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 1759 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 423 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 428 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 480 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 11 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 372 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 387) recommending that H.B. No. 1184 pass Second Reading and be placed on the calendar for Third Reading.

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

388) recommending that H.B. No. 13 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 436 pass Second Reading and be placed on the calendar for Third Reading.

Representative Kawakami, for the Committees on Water, Land Use, Development, and Hawaiian Homes, and Environmental Protection, presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 1624 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No.

391) recommending that H.B. No. 1441 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 826 pass Second Reading and be placed on the calendar for Third Reading.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 1528 pass Second Reading and be placed on the calendar for Third Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the foregoing House bills that were placed on the calendar for Third Reading.

## THIRTY-EIGHTH DAY

Monday, March 10, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Allen Mark of Waimanalo United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Ikeda, Kunimura, Lee, Stanley, Takamura and Ushijima, who were excused.

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

On motion by Representative Kimura, seconded by Representative Soares and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Seventh Day was approved.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 57 and 58) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 57) transmitting copies of reports prepared by the Department of Education in response to the following resolutions: S.R. 64, H.R. 154, H.R. 334, H.R. 407 and H.R. 424, was placed on file.

A message from the Governor (Gov. Msg. 58) transmitting copies of a publication entitled "A Program for the State Forest Lands of Hawaii", was placed on file.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 12 and 13) were read by the Clerk and were disposed of as follows:

A communication from Tim Farr, Chairman, Hawaii State Student Council (Dept. Com. No. 12) transmitting copies of the 1975 State Student Conference report, was placed on file.

A communication from Dr. Richard E. Ando, Chairman, State of Hawaii Board of Education (Dept. Com. No. 13) acknowledging receipt of House Resolution No. 43, was placed on file.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 26) transmitting Senate Bill No. 1145 entitled: "A Bill for an Act relating to reimbursement for expenses," which passed Third Reading in the Senate on March 7, 1975, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.B. No. 1145 passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Kimura introduced 30 students from the 7th, 8th, 9th and 10th grades from the Honolulu Junior Academy.

Representative Machida introduced 20 members of the Maui Economic Opportunities Board of Directors.

At 11:05 o'clock a.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:24 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Kunimura, Lee, Stanley and Ushijima.

## ORDER OF THE DAY

## COMMITTEE REFERRALS

S.B. No. 1145 was referred to the Committee on Finance.

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 551 to 563) and concurrent resolutions (H.C.R. Nos. 103 to 107) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
551	Committee on Education
552	Committee on Agriculture, then to the Committee on Higher Education
553	Committee on Education
554	Committee on Education
555	Committee on Higher Education
556	Committee on Water, Land Use, Development, and Hawaiian Homes
557	Committee on Higher Education
558	Committee on Higher Education
559	Committee on Legislative Management
560	Committee on Housing, then to the Committee on Finance
561	Committee on Judiciary
562	Committee on Judiciary
563	Committee on Judiciary

UNFINISHED BUSINESS

H.B. No. 152 on Third Reading (Deferred from March 6, 1975):

Representative Takamine moved that H.B. No. 152, having been read throughout, pass Third Reading, seconded by Representative Lee.

Representative Takamine then offered the following amendment to H.B. No. 152, HD 1:

"1. On Page 4 on line 18, delete the figure (\$50) and substitute therefor the figure \$225.

2. On page 4 on line 20, delete the words (calendar year) and substitute therefor the words: twelve month period."

Representative Takamine moved that the amendment be adopted, seconded by Representative Lee.

The motion was put by the Chair and carried and the amendment was adopted by a roll call vote of 47 ayes to 2 noes, with Representatives Evans and Larsen voting no, and Representatives Ikeda and Takamura being excused.

By unanimous consent, further action on H.B. No. 152, HD 1, as amended, was deferred until tomorrow, March 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 152, H.D. 2, were made available to the members of the House at 12:24 o'clock p.m.

At 12:25 o'clock p.m., on request by Representative Medeiros, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

<u>H.C.R. Nos.</u>	
103	Committee on Agriculture, then to the Committee on Housing
104	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Agriculture
105	Committee on Water, Land Use, Development, and Hawaiian Homes
106	Committee on Higher Education
107	Committee on Housing, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1113	Committee on Finance
1844	Committee on Finance
1848	Committee on Agriculture
1871	Committee on Energy and Transportation

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

H.B. No. 419, HD 1 on Third Reading (Deferred from March 7,

1975):

Representative Segawa moved that action on H.B. No. 419, HD 1 be deferred until tomorrow, March 11, 1975, and the Chair, noting that there were no objections, so ordered.

H.B. No. 353, HD 1 on Third Reading (Deferred from March 7, 1975):

On motion by Representative Kawakami, seconded by Representative Uechi, H.B. No. 353, HD 1, having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Carroll voting no, and Representatives Ikeda and Takamura being excused.

The Chair directed the Clerk to note that H.B. No. 353 had passed Third Reading at 12:28 o'clock p.m.

H.B. No. 356 on Third Reading (Deferred from March 7, 1975):

Representative Uechi moved that action on H.B. No. 356 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

#### INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 564) congratulating Captain Henry L. Freitas of the Hamakua Police Department for being named as the "Outstanding Boss of the Year" by the Hamakua Jaycees was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Takamine, seconded by Representative Soares and carried, H.R. No. 564 was adopted.

By unanimous consent, the

following resolutions (H.R. Nos. 565 to 568) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 11, 1975:

A resolution (H.R. No. 565) requesting a study of the cultivation, production, and marketing of taro was offered by Representative Takamine.

A resolution (H.R. No. 566) requesting a study of property boundaries in Waipio Valley was offered by Representative Takamine.

A resolution (H.R. No. 567) requesting greater efforts by State agencies to combat taro disease was offered by Representative Takamine.

A resolution (H.R. No. 568) requesting Kahoolawe be returned to the State was jointly offered by Representatives Peters, Ho, Abercrombie, Akizaki, Blair, Cayetano, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lunasco, Machida, Mizuguchi, Morioka, Naito, Segawa, Suwa and Yamada.

At this time, the Chair directed the Clerk to note the presence of Representative Takamura.

At 12:30 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this evening.

#### EVENING SESSION

Upon reconvening at 5:42 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Ikeda.

#### THIRD READING

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

#### H.B. No. 1759

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1759 passed Third Reading by a vote of 51 ayes.

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

The House of Representatives

reconvened at 5:44 o'clock p.m.

H.B. No. 423

On motion by Representative Yamada, seconded by Representative Cobb, H.B. No. 423 passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Abercrombie, Hakoda, Kihano, Sutton, Yap and Yuen voting no.

H.B. No. 428, HD 1

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 428, HD 1 passed Third Reading by a vote of 51 ayes.

H.B. No. 480, HD 1

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 480, HD 1 passed Third Reading by a vote of 51 ayes.

H.B. No. 11

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 11 passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 372

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 372 passed Third Reading by a vote of 51 ayes.

H.B. No. 1184

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 1184 passed Third Reading by a vote of 51 ayes.

H.B. No. 13, HD 1

Representative Suwa moved that H.B. No. 13, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Suwa then offered the following amendment to H.B. No. 13, HD 1:

"Section 1 House Bill 13, HD 1, is amended by amending the last three lines of page 1 to read:

'within an urban district) within

the area zoned Hotel/Apartment/Resort, Commercial or Industrial by a county to dedicate his land for residential use and to have his land assessed at its value in residential use;' "

Representative Suwa then stated:

"Intent is the same, Mr. Speaker, in the area of definition of urban district. We eliminated that wording, 'urban district', and substituted 'within the area zoned Hotel/ Apartment/ Resort, Commercial or Industrial by a county'. But in looking at some of the City Charters throughout, they define commercial and industrial differently. For that reason, Mr. Speaker, the amendment is made."

Representative Suwa moved that the amendment be adopted, seconded by Representative Akizaki.

The motion was put by the Chair and carried and the amendment was adopted by a vote of 51 ayes.

By unanimous consent, further action on H.B. No. 13, HD 1, as amended, was deferred until tomorrow, March 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 13, H.D. 2, were made available to the members of the House at 5:30 o'clock p.m.

H.B. No. 436

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 436 passed Third Reading by a vote of 51 ayes.

H.B. No. 1624, HD 1

On motion by Representative Kawakami, seconded by Representative Blair, H.B. No. 1624, HD 1 passed Third Reading by a vote of 51 ayes.

H.B. No. 1441, HD 1

On motion by Representative Kawakami, seconded by Representative Ho and carried, H.B. No. 1441, HD 1 was recommitted to the Committee on Water, Land Use, Development, and Hawaiian Homes.

H.B. No. 826

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 826 passed Third Reading by a vote of 51 ayes.

H.B. No. 1528

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 1528 passed Third Reading by a vote of 51 ayes.

H.B. No. 91, HD 1

Representative Kawakami moved

that H.B. No. 91, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ho.

Representative Kawakami then offered the following amendment to H.B. No. 91, HD 1:

"A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Act is to restate, without substantive change, the law replaced by this Act.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

'CHAPTER

HISTORIC PRESERVATION

PART I. HISTORIC PRESERVATION PROGRAM

Sec. -1 Declaration of intent. The Constitution of the State of Hawaii recognizes the value of conserving and developing the historic and cultural property within the State for the public good. The legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage. The legislature further declares that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of its citizens. The legislature further declares that it shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property.

Sec. -2 Definitions. As used in this chapter:

- (1) 'Department' means the department of land and natural resources.
- (2) 'Historic property' means any building, structure, object, district, area, or site, including underwater site, that is significant in the history, architecture, archaeology, or culture of this State, its communities or the nation.
- (3) 'Historic preservation' means the research, protection, restoration, rehabilitation, and interpretation of buildings, structures, objects, districts, areas, and sites, including underwater sites, significant to the history, architecture, archaeology, or culture of this State, its communities, or the nation.
- (4) 'Project' means any activity directly undertaken by the State or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the State or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the State or its political subdivisions.

- (5) 'State preservation officer' means that officer appointed by the governor as provided in section -5.

Sec. -3 Historic preservation program. The department shall establish a comprehensive historic preservation program which shall include, but not be limited to the following:

- (1) Development of an on-going program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, and publications on the State's historical and cultural resources.
- (2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by gift, purchase, condemnation, devise, or bequest; preservation, restoration, administration, or transference of such property; and the charging of reasonable admissions to such property.
- (3) Development of a statewide survey to identify and document historic property, including all those owned by the State and its political subdivisions.
- (4) Preparation of information for the Hawaii register of historic places and for listing on the national register of historic places.
- (5) Preparation, review, and revisions of a state historic preservation plan, including budget requirements and land use recommendations.
- (6) Application for and receipt of gifts, grants, technical assistance, and other funding from public and private sources for the purposes of this chapter.
- (7) Provision of technical and financial assistance to historic preservation commissions of the political subdivisions of the State, public and private agencies involved in historic preservation activities.
- (8) Coordination of activities of historic preservation commissions of the political subdivisions of the State in accordance with the state plan for historic preservation.
- (9) Participation in national and international conferences and programs concerning historic preservation.
- (10) Stimulation of public interest in historic preservation, including the development and implementation of interpretive programs for historic properties listed on the Hawaii register of historic places.
- (11) Submittal of an annual report to the governor and the legislature detailing the accomplishments of the year and the recommendations for changes in the state plan or future programs relating to historic preservation.
- (12) Employment of sufficient professional and technical staff for the purposes of this chapter without regard to chapters 76 and 77.
- (13) Promulgation of rules in accordance with chapter 91, necessary to carry out the purposes of this chapter

Sec. -4 Administration. All state historic areas and buildings surplus to the operations of the department of accounting and general services shall be transferred by executive order to the department, except as provided in section -73. All state projects and programs relating to historic preservation shall come under the authority of the department.

Sec. -5 State preservation officer. The governor shall appoint a state preservation officer, without regard to chapters 76 and 77, who shall be responsible for the comprehensive historic preservation program and who shall be the state liaison officer for the conduct of relations with the federal government and the respective states with regard to matters of historic preservation. The state preservation officer shall be appointed on the basis of his professional competence and experience in the field of historic preservation and shall be placed in the department.

Sec. -6 Depositories of certain specimens and object. The department

shall determine the depository for all field notes, photographs, negatives, maps, artifacts, or other materials generated or recovered through historic preservation projects supported in whole or in part by the State or taking place on state lands.

Any specimen and object of natural and of botanical, ethnological, architectural, archaeological, or historic value or interest, and any book, treatise, or pamphlet relating thereto in the possession of the University of Hawaii, or any other state agency or its political subdivisions, if and when the same is no longer needed for scientific investigation, for study, or for any other purpose, may, at the request of the Bishop Museum or other qualified museums in this State, be transferred and delivered by and with the consent of such department, bureau, or board having possession thereof, to the Bishop Museum or other qualified museum, or exchanged with such museum and whereupon, the title shall become vested in such museum and shall be held by them; provided, that the specimens and objects so transferred are made available at all reasonable times by the museum for study and examination by the officials of the university of such department, bureau, or board and to qualified scholars.

Sec. -7 State title to historic property on state lands. The State reserves to itself the exclusive right and privilege of ownership and control over historic property located on lands or under waters owned or controlled by the State. Standards of control over all historic property located on lands owned by the State shall be vested in the department and the department may issue permits for activities relating to the historic property, and may establish restrictions and covenants controlling permitted activities for the purposes of historic preservation.

The State shall not transfer any historic property under its jurisdiction without the concurrence of the department. The State shall retain the rights to, and control over, all historic property located on lands leased to others. In all cases where property is leased or conveyed, it shall be subjected by covenant or otherwise to such rights of access, public visitation, and other conditions or restrictions of operation, maintenance, restoration, and repair as the department may prescribe to accomplish the purposes of historic preservation.

Sec. -8 Review of effect of proposed state projects. (a) Before any agency or officer of the State or its political subdivisions commences any project which may affect historic property, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced; or, in the event it has already begun, continued, until the department shall have given its written concurrence.

If the concurrence of the department is not obtained within ninety days after the filing of a request with the department, the agency or officer seeking to proceed with such project may apply to the governor who may request the Hawaii advisory council on historic preservation to report, or take such action as he deems best in overruling or sustaining the department.

(b) The department of Hawaiian home lands prior to any project relating to lands under its jurisdiction, shall consult with the department regarding the effect of any proposed project upon historic property.

(c) The State, its political subdivisions, agencies, and officers shall report to the department the finding of any historic property during any project and shall cooperate with the department in the investigation, recording, preservation, and salvage of such property.

Sec. -9 Investigation, recording, preservation, and salvage; appropriations. Whenever there is any project by any government agency on lands which are owned or controlled by the State or its political subdivisions and which have historic property or value, one per cent of the appropriations for the project or so much thereof as may be necessary, shall be expended for the investigation, recording, preservation, and salvage of such historical property or value. Nothing in this section shall be construed to limit the expenditure of more than one per cent of the project appropriations for the purposes herein stated should an additional amount be necessary and mutually agreed to by the department and the government agency planning the construction or improvement.

Sec. -10 Privately owned historic property. (a) Before any construction, alteration, disposition, or improvement of any nature, by, for, or permitted by a

private landowner may be commenced which will affect an historic property on the Hawaii register of historic places, the landowner shall notify the department of the construction, alteration, disposition, or improvement of any nature and allow the department opportunity for review of the effect of the proposed construction, alteration, disposition, or improvement of any nature on the historic property. The proposed construction, alteration, disposition, or improvement of any nature shall not be commenced, or in the event it has already begun, continue, until the department shall have given its concurrence or ninety days have elapsed. Within ninety days after notification, the department shall provide preservation recommendations and shall concur in the construction, alteration, disposition, or improvement of any nature, commence acquisition, request a Hawaii advisory council on historic preservation report, undertake or permit the investigation, recording, preservation, and salvage of any such historic property.

(b) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any feature in or on an historic property that does not involve a change in design, material, or outer appearance or change in those characteristics which qualified the historic property for entry onto the Hawaii register of historic places.

(c) Any person, natural or corporate, who violates the provisions of this section shall be fined not more than \$1,000 or imprisoned not more than ninety days, or both, and each day of continued violation shall constitute a distinct and separate offense under this section for which the offender may be punished.

(d) If funds for the acquisition of needed property are not available, the governor may, upon the recommendation of the department allocate from the contingency fund an amount sufficient to acquire an option on the property or for the immediate acquisition, preservation, restoration, or operation of the property.

(e) The department may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. Whenever any member of the department duly authorized to conduct investigations and surveys of an historic or cultural nature determines that entry onto private lands for examination or survey of historic or cultural finding is required, the department shall give written notice of the finding to the owner or occupant of such property at least five days prior to entry. If entry is refused, the member may make a complaint to the district court in the circuit in which such land is located. The district court may thereupon issue a warrant, directed to any police officer of the circuit, commanding him to take sufficient aid, and, being accompanied by a member of the department, between the hours of sunrise and sunset, allow the member of the department to examine or survey the historic or cultural property.

Sec. -11 Penalties. It shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property located upon the private lands of any owner thereof without his written permission being first obtained. It shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property located upon lands owned or controlled by the State or any of its political subdivisions except as permitted by the department.

Any person who violates this section shall be fined not more than \$1,000 or imprisoned not more than ninety days, or both, for each separate offense. If the violator directly or indirectly has caused the loss of, or damage to, historic property, the violator shall be fined an additional amount determined by the court to be equivalent to the value of the lost or damaged historic property. Each day of continued violation of this provision shall constitute a distinct and separate offense for which the offender may be punished. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of historic property, or for the transportation of the violator to or from the historic property, shall be subject to seizure and disposition by the State without compensation to its owner or owners.

Sec. -12 Reproductions, forgeries, and illegal sales. It shall be unlawful to reproduce, retouch, rework, or forge any historic object and to represent it or offer it for trade or sale as an original and genuine object. It shall be unlawful for any person to offer for sale or exchange any historic object with the knowledge that it has been collected or excavated in violation of any of the terms of this chapter. Any person violating this section shall be fined no more than \$1,000 or imprisonment not more than ninety days, or both.

Each object offered for sale or trade in violation of this section shall constitute a distinct and separate offense for which the offender may be punished.

Sec. -13 Enforcement. (a) The department shall designate qualified persons as enforcement officers and such officers shall have all powers of police officers and full legal authority to enforce all provisions of this chapter and all laws and rules of the department pertaining to historic preservation. The chief administrative officers of all state agencies and political subdivisions shall cooperate and assist the department and the attorney general in carrying out the intent of this chapter. All law enforcement agencies of the State and its political subdivisions shall enforce this chapter and carry out its intent.

(b) In addition to, and without limiting the other powers of the attorney general and without altering or waiving any criminal penalty provisions of this chapter, the attorney general shall have the power to bring an action in the name of the State in any court of competent jurisdiction for restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of this chapter.

(c) Any person may maintain an action in the trial court having jurisdiction where the alleged violation occurred or is likely to occur for restraining orders or injunctive relief against the State, its political subdivisions, or any person upon a showing of irreparable injury, for the protection of a historic property and the public trust therein from unauthorized or improper demolition, alteration, or transfer of such property.

Sec. -14 Preservation activities by political subdivisions. The political subdivisions of this State may engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties for the education, pleasure, and enrichment of the citizens of this State.

Sec. -15 Establishment of historic preservation commissions. The governing body of any political subdivision may establish an historic preservation commission to preserve, promote, and develop the historical resources of the political subdivision.

Sec. -16. Regulations, special conditions or restrictions. In addition to any power or authority of a political subdivision to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of any political subdivision may provide by regulations, special conditions, or restrictions for the protection, enhancement, preservation, and use of historic properties. Such regulations, special conditions, and restrictions may include appropriate and reasonable control of the use or appearance of adjacent or associated private property within the public view, or both, historic easements, preventing deterioration by wilful neglect, permitting the modification of local health and building code provisions.

## PART II. HAWAII FOUNDATION FOR HISTORY AND THE HUMANITIES

Sec. -31 Statement of purpose. The purpose of this part is to create a nonprofit corporation for historic preservation, research, restoration, presentation, museum activities, and support programs; and in cooperation with and in assistance to the department and other state agencies to receive sites, buildings, and objects significant in Hawaii's history and culture, to preserve and administer them for public benefits; to accept, hold, and administer gifts, securities, grants, scholarships, endowments, private bequests, or other property of whatsoever character for a comprehensive historic preservation and museum program.

This agency shall be a depository for resources which are made available or offered of desirable land, historical collections, and donations made by groups and persons as gifts to the State to help insure the Hawaiian heritage.

Sec. -32 Establishment of the Hawaii foundation for history and the humanities; board of trustees; membership. (a) There is created an educational, nonprofit public corporation to be known as the Hawaii foundation for history and the humanities (hereinafter referred to as the 'foundation') which shall be headed by a board of trustees.

The board of trustees shall consist of eleven members including the chairman of the state foundation on culture and the arts who shall serve as an ex officio voting member. The remaining members shall be chosen by the membership of the foundation at any

regular meeting. Each member of the board of trustees, except the chairman of the state foundation on culture and the arts, shall serve for a term of five years from the expiration of his predecessor's term. A vacancy on the board shall be filled for the balance of the unexpired term as described in the rules of the foundation. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. Members of the board of trustees shall receive no compensation, but shall be reimbursed for travel and actual and reasonable expenses incurred by them in attending board meetings and performing other official duties on behalf of the foundation at the direction of the board.

(b) Membership in the foundation shall be open to any resident upon payment of such reasonable fees as the board of trustees may prescribe.

Sec. -33 Powers and duties. The foundation shall:

- (1) Have succession until dissolved by act of the legislature, in which event title to the properties of the Hawaii foundation shall, insofar as consistent with existing contractual obligations and subject to all legally enforceable claims or demands by or against the foundation, pass to and become vested in the State;
- (2) Sue or be sued in its corporate name;
- (3) Adopt, alter, and use a corporate seal;
- (4) Adopt rules in accordance with chapter 91 for the administration of its functions, including rules governing visitations to facilities under its control, administration of corporate funds, and the organization and procedure of the board of trustees;
- (5) Accept, hold, and administer funds and properties from private or governmental agencies for purposes for which the foundation is created and in accordance with such conditions as the transferring agency or the legislature may prescribe under the law;
- (6) Accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, in trust, for the purposes for which the foundation is created. Unless otherwise restricted by the terms of the bequest or gift, the foundation may sell, exchange, or otherwise dispose of, invest or reinvest the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by the foundation from any source whatsoever, shall be placed in the special account and shall be subject to expenditure by the foundation for its corporate purposes;
- (7) Acquire by gift, devise, purchase, and hold in trust, properties for the State and for the people of Hawaii unless otherwise restricted by the terms of the gift or devise;
- (8) Conduct research, studies, and investigations in the field of ethno history and the humanities, including archaeology and museum support programs, and make, public, and distribute the contributions of individual ethnic groups in their relationship to the makeup of Hawaii;
- (9) Establish within the State, a centralized repository and information resource center and clearinghouse for public and private organizations, agencies, and individuals to further the purposes of this part;
- (10) Enter into contracts and execute all instruments necessary and appropriate to carry out the purposes of the foundation; and
- (11) Establish within the foundation a review board for the Hawaii register of historic places which meets the requirements of Public Law 89-665. The review board shall be appointed by the board of trustees of the foundation and no more than two members of the board of trustees shall be appointed to the review board. Trustee-members of the review board shall be reimbursed at the same rate as other members of the review board for official duties performed while serving on the review board.

Sec. -34 Review board for the Hawaii register of historic places; duties.

The review board shall:

- (1) Order and enter historic properties into the Hawaii register of historic places on the basis of their value to Hawaii's heritage.
- (2) Evaluate and nominate historic properties to the national register of historic places.
- (3) Approve and evaluate all designations of historic properties as places of historical interest.
- (4) Review the state survey of historic properties undertaken in accordance with part I of this chapter.
- (5) Review the content of the state preservation plan developed in accordance with part I of this chapter.
- (6) Elect a chairman and vice-chairman and establish rules of procedure in accordance with chapter 91.
- (7) Maintain the Hawaii register of historic places, including all those listed on the national register of historic places and a program of notification and publication regarding properties on the register.

Sec. -35 Development of support programs. The Hawaii Foundation shall develop a continuing comprehensive museum and museum activities support program which shall include, but not be limited to:

- (1) Providing matching grant-in-aid to governmental or private agencies for projects which fulfill the purposes of this subarticle;
- (2) Providing technical assistance and staff development and training opportunities; and
- (3) Encouraging and aiding the development of needed museum resources and facilities; and
- (4) Providing technical assistance for museum, educational development and operational programs.

Sec. -36 Annual report. The foundation shall submit an annual report to the governor and the legislature which shall include, but not be limited to, the total number and amount of gifts received, payroll disbursements, contracts entered into, and progress and accomplishments made during the year.

Sec. -37 Multicultural programs. The foundation shall establish a multicultural studies program which shall include but not be limited to:

- (1) Recording Hawaii's social and cultural history through collection and preservation of oral or written communications with kamaaina Hawaiians and experts;
- (2) Encouraging the ethno historical and multicultural activities of all ethnic groups; and
- (3) Creating a centralized repository for multicultural studies and materials.

Sec. -38 Special account. Notwithstanding any other law to the contrary, the foundation shall establish a special account for depositing moneys received from either public or private contracts, or from public or private grants, awards, or gifts. All disbursements shall be drawn on such account upon warrants signed by the president of the foundation and one member of the board of trustees and upon the presentation of vouchers duly approved by the executive director or some other person authorized by the board of trustees.

Sec. -39 Foundation excepted from certain state laws. In order to promote cooperative research projects with private firms or persons, the foundation shall be granted flexibility in handling and disbursing moneys by being excepted from the following state laws:

- (1) Sections 36-27 and 36-30, relating to special fund reimbursement to the

state general fund; and

- (2) Sections 103-22 and 103-42 relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended.

Sec. -40 Administration. For administrative purposes, the foundation shall be placed within the department of budget and finance.

Sec. -41 Personnel. The foundation may employ, without regard to chapters 76 and 77, an executive director and other necessary personnel for the performance of its functions.

PART III. HAWAII ADVISORY COUNCIL  
ON HISTORIC PRESERVATION

Sec. -61 Declaration of intent. The number of projects authorized, funded, licensed, or otherwise provided by and through the State and by private owners significantly complicates the task of conserving historical resources. It is the purpose of this part to establish an advisory council through which competing interest affecting historic preservation may be considered and through which activities having an impact on historic preservation may be better coordinated.

Sec. -62 Establishment of council. There is established the Hawaii advisory council on historic preservation, hereinafter referred to as 'the council', which shall be composed of:

- (1) The state preservation officer;
- (2) The president of the Hawaii foundation for history and the humanities;
- (3) The director of planning and economic development;
- (4) The director of transportation;
- (5) The comptroller; and
- (6) Four citizen members appointed by the governor as provided in section 26-34.

The citizens appointees shall be selected on the basis of their known and demonstrated interest, experience, and training in fields relating to historic preservation. The council shall be placed in the department for administrative purposes.

The citizen members appointed by the governor shall each serve for a term of five years, commencing from the expiration date of the term of his predecessor, except that initial appointees shall serve for terms of from two to five years. The governor shall designate a chairman for the council from among the appointed citizen members.

The council shall meet at such times and in accordance with such procedures as it shall prescribe by rule. The council may, in its discretion, solicit or receive the views of other public and private agencies and individuals, in considering any matter to come before it.

Sec. -63 Powers and duties. The council shall provide an advisory and coordinative mechanism by which projects potentially harmful to historic preservation may be discussed, and, where possible, resolved. When in the judgment of the department a project will have an adverse effect upon any district, area, site, building, structure, or object listed on the Hawaii register of historic places the head of any state agency shall afford the council a reasonable opportunity to comment with regard to such project.

The council may also comment upon private projects which will affect an historic property on the Hawaii register of historic places when requested to do so by the private owner or by the department.

Sec. -64 Reports. The council may prepare and distribute such special reports as it deems necessary for the performance of its duties.

Sec. -65 Furnishing of information. Each affected state department or agency shall furnish, either upon its own initiative or at the request of the council, such information relating to historic preservation as may be reasonably required for the proper implementation of this part.

#### PART IV. MONUMENTS AND MEMORIALS

Sec. -71 Monuments; reservation of land; relinquishment or private claims. Upon the recommendation of the department, the governor may declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the State to be state monuments and may reserve as a part thereof parcels of land the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the State, and the governor may accept the relinquishment of such tracts in behalf of the State.

Sec. -72 Diamond Head State Monument. There shall be a Diamond Head State Monument on Oahu to be administered by the department and to consist of such lands as the department considers essential to the unimpaired preservation of the visual and historic aspects of Diamond Head; provided that Na Laau Hawaii arboretum and parcels A, B, C, and D as described in Executive Order No. 2000 dated April 9, 1962, establishing Diamond Head State Monument, shall be included within the boundaries of Diamond Head State Monument.

Sec. -73 Captain Cook Memorial Fund. All moneys in the Captain Cook memorial fund or which may be paid into the same from the proceeds of sales or which may be received by way of gift or otherwise for any of the purposes provided by this section, the acceptance of such gifts and the receipt of such funds being authorized, shall be expendable by the comptroller from time to time for any of the purposes provided by this section, and any original historical documents or other articles, or copies, facsimiles, or replicas thereof, so collected, and copies of publications made under this section shall be deposited in the archives of Hawaii to constitute a collection to be known as the 'Captain Cook Memorial Collection'.

The comptroller may purchase or otherwise acquire original books, mementos, pamphlets, documents, or other articles of historical value relating to the life of Captain James Cook, or connected with the history, discovery, and exploration of the Hawaiian Islands, or copies, facsimiles, or replicas thereof of other data relating thereto, and prepare and publish in his discretion books, documents, pamphlets, or other publication relating thereto.

The comptroller may distribute free copies of such publications to libraries, museums, and other places of references open to the public in the United States or in other countries, not to exceed, however, one-third of the number of copies of each published. The remaining copies may be sold at such reasonable prices as may be fixed by the comptroller, the proceeds of such sales to be paid into the trust fund.

Sec. -74 Capitol site. The portion of the 'Honolulu Civic Center' adopted by the Honolulu city planning commission on February 23, 1945, as the master plan for the city and county of Honolulu after a public hearing on February 1, 1945, for the executive-legislative center, specifically that area of Honolulu bounded by Richards, Beretania, Punchbowl, and Hotel streets, for which lands have been acquired and preliminary plans have been designed pursuant to Act 401, of the Session Laws of Hawaii 1949, is designated as the capitol site for the State.

Sec. -75 Iolani Palace. The official designation of the palace of the former monarchs of Hawaii shall be Iolani Palace.

Sec. -76 Sand Island. The island on the southwest side of Honolulu harbor, Oahu, 21 degrees 18 minutes 30 seconds north, 157 degrees 53 minutes 00 seconds west, city and county of Honolulu proclaimed Anuenue (also known as Rainbow Island) by memorandum 1969-4 of the governor shall be named Sand Island. The name Sand Island shall be used on all official state maps, documents, and correspondence.

Sec. -77 National statutory hall; Father Damien. The State of Hawaii exercises its prerogative pursuant to section 2 of 'An Act making appropriation for sundry Civil Expenses of the Government for the Year ending the Thirtieth of June eighteen hundred and sixty-five and for other Purposes' (Act of July 2, 1864 of the Thirty-Eighth Congress, Section 1814 of the Revised Statutes) and designates the Reverend Joseph Damien deVeuster, SS. CC., as a citizen of Hawaii worthy of commemoration in the national statutory hall.

Sec. -78 National statutory hall; King Kamehameha I. King Kamehameha I is selected as one of the two illustrious, deceased persons whose statue shall be furnished by the State of Hawaii for placement in the national statutory hall in the national capitol pursuant to Title 40 USC 187.

Sec. -79 Jurisdiction over World War II memorial. The jurisdiction and control of the World War II memorial, located in the front of the state office building in Honolulu, is vested in the state department of accounting and general services.

#### PART V. PACIFIC WAR MEMORIAL COMMISSION

Sec. -91 Commission; members, appointment, tenure. The governor shall appoint seven persons in accordance with section 26-34, who shall constitute a commission to be known as the Pacific war memorial commission of Hawaii, which shall be placed within the department of defense for administrative purposes. One of the commissioners shall be appointed and designated as chairman. The commissioners shall hold office for terms of four years, and shall be subject to removal for cause. The members shall serve without pay but shall receive their reasonable traveling and other necessary expenses.

Sec. -92 Powers of commission. The commission may:

- (1) Create and maintain a living war memorial commemorating the sacrifices of our heroic dead of World War II;
- (2) Accept lands or other property or assets transferred to it by the State or any county for the accomplishing of its objectives;
- (3) Adopt a seal;
- (4) Adopt such rules under chapter 91 as it may consider necessary or expedient for the conduct of its affairs and the regulation of the matters committed to its charge.
- (5) Promote and secure the cooperation of the national agencies known as the American Battle Monuments Commission, the Pacific War Memorial, Incorporated, and other organizations, public or private, seeking to accomplish similar objectives;
- (6) Solicit gifts and contributions and publicize the purposes for which gifts and contributions are being solicited;
- (7) Advise other federal, state, and county agencies of its purpose and objects in that behalf as well as private individuals and corporations in Hawaii and in the mainland United States;
- (8) Accept all gifts and contributions from governmental agencies and private persons except such gifts as may be conditioned upon some restriction of its authority or the purposes which it is designed to execute;
- (9) Grant to the American Battle Monuments Commission all rights necessary, and not in conflict with the purposes of this part, for the erection and maintenance of battle monuments;
- (10) Prepare plans and develop all lands which may be placed under its jurisdiction for war memorial purposes and in that connection cooperate with the director of transportation and such other government and private organizations as may be interested in or affected by the projects;
- (11) Enter into contracts and agreements with the government or private agencies for the attainment of its authorized purposes;

- (12) Utilize such contributions of labor, materials, and property, including money, as may be allocated or otherwise made available to it by any person or instrumentality whatsoever, if in the judgment of the commission the acceptance thereof will not limit the scope of the purposes of this part.

Sec. -93 Annual reports. The commission shall submit to the legislature at the beginning of each regular session, a full report on its activities, together with such recommendations as it may deem advisable.

Sec. -94 Transfer of lands. Any county or the State may transfer lands to the commission for its purposes, which are declared public purposes, on any terms or conditions or tenure or otherwise as the county or the State may desire to impose, any other law restricting such transfer, or restricting the type, location, or classification of lands which may be transferred, to the contrary notwithstanding.

Sec. -95 Secretary, assistants, salaries, contracts. The commission may appoint an executive secretary and such assistants as it deems necessary, and contract for services which the commission may deem necessary.

Sec. -96 Expenditure. All moneys expended under this part shall be paid by the director of finance, upon warrants issued by the comptroller, upon vouchers approved by the chairman of the commission.'

SECTION 3. Chapter 6, Hawaii Revised Statutes, is repealed.

SECTION 4. If H.B. No. 1256 is enacted by the legislature during this regular session of 1975, whether enacted before or after the effective date of this Act, the provision relating to multicultural programs in Section 2, Part II, Sec. -37 of this Act is amended to conform with H.B. No. 1256.

SECTION 5. The members of the board of trustees of the Hawaii foundation for history and the humanities who are serving as trustees at the time of the effective date of this Act shall continue to serve as trustees of the Hawaii foundation for history and the humanities created under this Act.

SECTION 6. If any officers and employees are transferred by this Act, they shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having enture shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided, that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided, that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided, that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 7. If any records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the respective departments, agencies, and offices relate to any

of the functions which may be transferred by this Act, they shall be transferred with the functions to which they relate.

SECTION 8. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State of any agency thereof or to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report to the legislature at its next session thereafter for review by the legislature.

SECTION 9. Funds appropriated out of the general revenues of the State for the functions covered by this Act shall be used for the purposes of this Act; provided that all funds appropriated and not used by any state department for the operations of any project or program related to historic preservation shall be transferred to the department of land and natural resources or other appropriate state agency.

SECTION 10. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 11. This Act shall take effect upon its approval."

Representative Kawakami moved that the amendment be adopted, seconded by Representative Ho.

Representative Kawakami then stated:

"H.B. No. 91 is amended to read as set forth in the form attached thereto. This is a technical amendment. The bill that was attached to the Committee Report this morning was a working copy for the Committee and there was some error in the procedures taken by the Committee, and the attached bill, this amendment, is a very technical amendment. The bill is in correct form."

The motion was put by the Chair and carried, and the amendment was adopted by a vote of 51 ayes.

By unanimous consent, further action on H.B. No. 91, HD 1, as amended, was deferred until tomorrow, March 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 91, HD 2, were made available to the members of the House at 5:30 o'clock p.m.

The Chair directed the Clerk to note that H.B. Nos. 1759, 423, 428, 480, 11, 372, 1184, 436, 1624, 826 and 1528 had passed Third Reading at 5:52 o'clock p.m.

At 5:53 o'clock, on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:25 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 356:

Representative Uechi moved that H.B. No. 356, having been read throughout, pass Third Reading, seconded by Representative Inaba.

Representative Sutton then stated:

"I would like to speak against this bill because of the potential abuse that it presents the following circumstance. A large corporation from the mainland can come down here, can buy up a subsidiary that qualifies on the two-year residence. It then is in a position to compete with our local farmers for the minimum amount of money that the Agriculture Department has for loans. In addition, this greatly broadens the definition of what constitutes a farmer and you can use this as an opening in the door in the phases of the law. It's a technique, Mr. Speaker, unfortunately, which we attorneys use. Also, Mr. Speaker, I am very concerned with the proposition that we would have something like up on the Island

of Hawaii where various mainland movie actors have macadamia nuts and they come into a competitive force to receive loans at what today is a very favorable interest rate. Admittedly at the time that you passed this particular statute your interest rates were high, but now in relationship to the prime rate, they are low. I am very much disturbed about this possibility even though I see some very fine aspects on enhancing our diversified agriculture and even though I am a great admirer of the chairman of this Committee.

Representative Cobb then stated:

"Point of information to get some clarification either from the Chairman of the Agriculture Committee or from the minority spokesman of that committee relative to whether or not, in fact, a corporation who is not, in fact, a practicing farmer, could come in and purchase or buy out an individual on the Hawaii market - a Hawaii corporation that would qualify - and thus qualify for a loan under provisions of this bill.

Representative Uechi then stated:

"Mr. Speaker, I believe it does; however, in reality, when these corporations were alluded to by the previous speaker from the minority, the checks that we have within the Farm Loan Program would preclude these people from getting favorable consideration with the Farm Loan Program. So, I don't see how this particular provision opens the door for big corporations to take over the Farm Loan Program."

Representative Abercrombie then stated:

"I signed that Committee Report and don't imagine it'll be the first time this comes up - at least it's the first time for me. I signed the Committee Report and after further consideration and discussion in caucus and listening to more points of view, I want to indicate that I'm going to vote no."

Representative Larsen then stated:

"I'd like to add a few words to the negative side of that problem.

I don't believe the existence of a large corporation coming

in here is where the real problem lies. I see it as a threat to a farmer who is making his living in a small situation vs. a group of doctors or lawyers who form a corporation, who will then go into business, specifically in the greenhouse business, which they are now selling to percentage ownerships in these greenhouses. These people would then be able to go into business on a tax loss basis and compete with a farmer who's trying to make his living that way. And, this is where, I think, the threat would be with the small farmer who is making his living farming vs. the doctor and lawyer who's trying to make his living, if he can do it, but possibly lose money for a few years and knock this small farmer out of business. I think it would be a detriment to the small farmer competing with the group of professional men who are competing against him.

Thank you, Mr. Speaker."

Representative Kunimura then stated:

"I rise to speak against this bill, Mr. Speaker, for some of the following reasons.

This bill, Mr. Speaker, looks very innocuous - talks about, Committee Report talks about, bringing in new money for the farmers. That's fine and dandy; but, sometimes with new money comes new perils. I believe the farmer has enough to contend with the elements: too much rain - not enough rain; too much wind - not enough wind; all nature seems to be against the farmer and very seldom the farmer has an opportunity to come ahead. When he does, then he's the biggest monger because the prices he can get or command for his produce seems to be out of the reach of the consumer. The farmer is always blamed and not the middle man. And, again, Mr. Speaker, this bill is going to open up another Pandora's Box and subject the farmer, the honest farmer, to some people who would like to make some devious investments. Mr. Speaker, the very, very intent - the original intent - for the Legislature in setting up this Farm Loan Program was to help the farmer and not the investor. The farmer, Mr. Speaker, is the one who not only risks his capital; but risks his labor; deprives himself of many of the good things;

the many hours of leisure that he can enjoy, should he go into some other pursuit; but because the farmer loves to grow things and to provide the necessary food for those who do not know how to raise them, this farmer, Mr. Speaker, is going to be, if I may use these words, 'open to the next rape'.

And, I would like to request, Mr. Speaker, that clear thinking members of this House, if we really and truly and sincerely want to help the farmer, then this bill must be voted down because of conflicting information received at the last minute - Chairman of the Committee says the Chairman of the Board of Agriculture, who is Director of Agriculture, wants this bill; then the member of the same Committee comes back, and I got the information from Representative Kawakami, that the same man said this afternoon, 'it's not a big thing.' Why can't we defer action until we can get the real information why the Director of Agriculture wants to pass this bill when it's not a big thing; and it is very important because it's not us that's going to get raped, it's going to be the poor farmer because there just isn't enough money in the Farm Loan Program to support everybody."

Representative Carroll then stated:

"I rise to speak against the bill.

I would incorporate, for the Journal, the remarks of Representative Kunimura and Representative Larsen as being reflective of my opinion on this and I would like to add to that the fact that this bill provides for the corporations to be able to take advantage of this particular measure which sets up the situation whereby mainland investors can come in and buy up the stock in a local corporation, thereby making an end-run and opening up this entire matter for a takeover and abuse by mainland corporations--something that I think most of us are against. For this, and for all the other reasons, I respectfully urge this honorable body to vote no."

At 6:34 o'clock p.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:39 o'clock p.m., Representative Uechi withdrew his motion to pass H.B. No. 356 on Third Reading, and Representative Inaba withdrew his second.

By unanimous consent, action on H.B. No. 356 on Third Reading was deferred until tomorrow, March 11, 1975.

At 6:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:42 o'clock p.m.

Representative Kimura then made the following motion:

"I move that all Standing Committee Reports laying on the Clerk's desk by 8:00 o'clock p.m. today be adopted and all House Bills accompanying said Standing Committee Reports be placed on the calendar for Third Reading or pass Second Reading and thereafter be placed on the calendar for Third Reading as recommended in the Committee Reports."

The motion was seconded by Representative Soares and carried.

#### ADJOURNMENT

At 6:44 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Tuesday, March 11, 1975.

#### STANDING COMMITTEE REPORTS

Pursuant to the motion made by Representative Kimura, seconded by Representative Soares and carried, the following Standing Committee Reports (Stand. Com. Rep. Nos. 394 to 458) were received in the Chief Clerk's Office up to 8:00 o'clock p.m. this legislative day and all House Bills accompanying said Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading tomorrow, March 11, 1975:

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 394) recommending that H.B. No. 1734 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 1854 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 147 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 1853 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 1855 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 1872 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 898 pass Second Reading and be placed on the calendar for Third Reading.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 946 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. com. Rep. No. 402) recommending that H.B. No. 1877 pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for

the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 1323 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 1037 pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 405) recommending that H.B. No. 582 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. rep. No. 406) recommending that H.B. No. 1776 pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 1692 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 1412 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 1417 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 410) recommending that H.B. No. 1218 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 484 pass Second Reading and be

placed on the calendar for Third Reading with certain amendment.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 786 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 738 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 414) recommending that H.B. No. 258 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 1851 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 1764 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 643 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 418) recommending that H.B. No. 1411 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 419) recommending that H.B. No. 1419 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 420) recommending that H.B. No. 449 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 1792 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 803 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 927 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 1550 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 1136 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 1241 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 513 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 428) recommending that H.B. No. 259 pass Second Reading and be

placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 518 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 1783 pass Second Reading and be placed on the calendar for Third Reading.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 431) recommending that H.B. No. 516 pass Second Reading and be referred to the Committee on Judiciary with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 432) recommending that H.B. No. 1410 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 127 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 434) recommending that H.B. No. 108 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 931 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 1213 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 115 be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 430 be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 1576 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 332 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 320 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 1864 pass Second Reading and be placed on the calendar for Third Reading.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 766 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 1240 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yuen, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 989 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 991 pass Second Reading and be placed on the calendar for Third Reading.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 381 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 701 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 611 be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 1784 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 1648 pass Second Reading and be placed on the calendar for Third Reading.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 1507 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 619 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 363 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 1876 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1498 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1852 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1499 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the foregoing House bills that are to be placed on the calendar for Third Reading.

## THIRTY-NINTH DAY

Tuesday, March 11, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Akira Sakima, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Cayetano, Cobb, Ikeda, Larsen, Roehrig and Takamura, who were excused.

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

On motion by Representative Kimura, seconded by Representative Soares and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Eighth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 27 to 29) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 27) transmitting Senate Bill No. 443 entitled: "A Bill for an Act relating to penal provisions outside the Penal Code; making technical and substantive amendments to said provisions in light of the Penal Code and certain other general laws," which passed Third Reading in the Senate on March 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 28) transmitting Senate Bill No. 527 entitled: "A Bill for an Act relating to the Uniform Act on Status of Convicted Persons," which passed Third Reading in the Senate on March 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 29) transmitting Senate Bill No. 1213 entitled: "A Bill for an Act relating to duties of the Hawaii Housing Authority with respect to rentals and tenant selections," which passed Third Reading in the Senate on March

10, 1975, was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.B. Nos. 443, 527 and 1213 passed First Reading by title and further action was deferred until later in the calendar.

## MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 15 and 16) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 15) acknowledging receipt of a copy of House Resolution No. 167, Regular Session of 1975, was placed on file.

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 16) acknowledging receipt of a copy of House Concurrent Resolution No. 29, Regular Session of 1975, was placed on file.

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

Representative Lee introduced a group of Boy Scouts of Pack 252 from Hickam Air Force Base. They were accompanied by Mr. Bead and Mrs. Buckley.

Representative Mizuguchi introduced 130 students from Highlands Elementary School. They were accompanied by their teachers, Mrs. Molale, Miss Abe, Mrs. Ishizaki, Mrs. Minami and Mrs. Moriwaki.

Representative Sutton introduced a group of students from Sunset Beach Christian School. They were accompanied by their teachers, Ms. Floyd, Ms. Kelly and Ms. Rice, and guests, Mr. and Mrs. Nicolai from Los Angeles, California.

At 11:07 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:10 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Cayetano, Cobb, Larsen, Roehrig and Takamura.

## ORDER OF THE DAY

## COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
443	Committee on Judiciary
527	Committee on Judiciary
1213	Committee on Housing

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 565 to 568) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
565	Committee on Agriculture
566	Committee on Water, Land Use, Development, and Hawaiian Homes
567	Committee on Agriculture
568	Committee on Water, Land Use, Development, and Hawaiian Homes

## COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
815	Jointly to the Committees on Youth and Elderly Affairs and Housing
1105	Committee on Finance

## UNFINISHED BUSINESS

H.B. No. 152, as amended, on Third Reading (Deferred from March 10, 1975):

By unanimous consent, action on H.B. No. 152, as amended, was deferred until the end of the calendar.

H.B. No. 419, HD 1, on Third Reading (Deferred from March 10, 1975):

Representative Lee moved that H.B. No. 419, having been read

throughout, pass Third Reading, seconded by Representative Segawa.

Representative Segawa then offered the following amendment to H.B. No. 419, HD 1:

"SECTION 1 of H.B. No. 419, H.D. 1, is amended to read as follows:

'SECTION 1. Section 393-6, Hawaii Revised Statutes, is amended to read:

'Sec. 393-6 Principal and secondary employer defined; coercion, interference, etc. prohibited. If an individual is concurrently a regular employee of two or more employers as defined in this chapter, the principal employer shall be the employer who pays him the most wages; provided that if one of the employers, who does not pay the most wages, employs the regular employee for at least thirty-five hours per week, the employee shall determine which of the employers shall be his principal employer. His other employers are secondary employers. (The determination by the employee of his principal employer is binding.) An employer so designated as the principal employer shall remain as such principal employer for one year or until change of employment, whichever is earlier.

If an individual is concurrently a regular employee of a public entity which is not an employer as defined in section 393-3 and of an employer as defined in section 393-3 the latter shall be deemed to be a secondary employer.

An employer who, directly or indirectly, interferes with or coerces or attempts to coerce an employee in making a determination under this section shall be subject to the penalty provided under subsection 393-33(b).<sup>1</sup> "

Representative Segawa moved that the amendment be adopted, seconded by Representative Lee.

Representative Segawa then explained the amendment as follows:

"Mr. Speaker, this amendment is for the purpose of defining cases where we have an employee having two employers so that the employer that employs a person for at least thirty-five hours a week will be responsible for the employee's portion of the prepaid health insurance. But, in the event that

there are two employers who employ this employee for more than thirty-five hours a week, it gives the employee the prerogative to choose which employer would pay for his prepaid health insurance.

We have also included the portion that puts back the penalty in the event that this is not complied with.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the amendment was adopted by a voice vote.

By unanimous consent, further action on H.B. No. 419, as amended, was deferred until tomorrow, March 12, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 419, HD 2, were made available to the members of the House at 11:10 o'clock a.m.

H.B. No. 356 on Third Reading (Deferred from March 10, 1975):

Representative Uechi moved that action on H.B. No. 356 be deferred until tomorrow, March 12, 1975, and the Chair, noting that there were no objections, so ordered.

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

The House of Representatives reconvened at 11:23 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 569 to 571) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 569) congratulating Kaimuki High School Junior Varsity in winning the OIA Junior Varsity Baseball Championship was jointly offered by Representatives Kiyabu, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Fong, Kamalii, Kunimura, Mizuguchi, Morioka, Naito, Sakima, Shito, Sutton, Suwa, Takamura, Ushijima and Wakatsuki.

On motion by Representative Kiyabu, seconded by Representative Akizaki and carried, H.R. No. 569 was adopted.

A resolution (H.R. No. 570) commending Scoutmaster Koichi Murakami, Boy Scout Troop 36 on its 50th Anniversary and American Legion Post No. 1 was jointly offered by Representatives Morioka, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Hakoda, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Morioka, seconded by Representative Peters and carried, H.R. No. 570 was adopted.

A resolution (H.R. No. 571) honoring the late James M. Tanaka, contractor was jointly offered by Representatives Hakoda, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Hakoda, seconded by Representative Cobb and carried, H.R. No. 571 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 572 to 581) and concurrent resolutions (H.C.R. Nos. 108 to 110) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 12, 1975:

A resolution (H.R. No. 572) requesting the Governor's Office to recommend a suitable structure for accomplishing resources recovery from solid wastes in the State of Hawaii was offered by Representative Blair.

A resolution (H.R. No. 573)

relating to the elderly housing problems in Hawaii was jointly offered by Representatives Shito, Kihano, Takamura, Ajifu, Akizaki, Blair, Carroll, Cayetano, Kamalii, Kimura, Kiyabu, Larsen, Lee, Mizuguchi, Morioka, Segawa and Suwa.

A resolution (H.R. No. 574) relating to teacher housing policies was jointly offered by Representatives Shito, Ajifu, Blair, Carroll, Ho, Inaba, Kiyabu, Kondo, Machida, Santos, Segawa, Soares, Suwa, Uechi and Yuen.

A resolution (H.R. No. 575) requesting the Postmaster General to issue a Captain James Cook commemorative stamp was jointly offered by Representatives Ho, Kunimura, Kawakami, Yamada, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Soares, Sutton, Suwa, Takamine, Uechi, Yap and Yuen.

A resolution (H.R. No. 576) requesting the Honorable Speaker of the House of Representatives to appoint an interim committee to study the suitability of establishing an Office of the Insurance Commissioner was jointly offered by Representatives Yap and Yamada.

A resolution (H.R. No. 577) requesting a legislative audit on curriculum development services in the public schools of Hawaii was jointly offered by Representatives Sakima, Akizaki, Ho, Kihano, Kiyabu, Lunasco, Morioka, Roehrig, Shito, Yap and Yuen.

A resolution (H.R. No. 578) requesting the establishment of fishing piers and facilities throughout the State was jointly offered by Representatives Soares, Ajifu, Carroll, Evans, Medeiros, Oda and Poepoe.

A resolution (H.R. No. 579) requesting an interim study on agricultural marketing cooperative associations was jointly offered by Representatives Ajifu and Uechi.

A resolution (H.R. No. 580) requesting a feasibility study of installing shark warning devices at Kailua Beach Park was jointly offered by Representatives Medeiros and Poepoe.

A resolution (H.R. No. 581) requesting the Department of Agriculture to set standards for the humane treatment of horses in transport was jointly offered by Representatives Medeiros, Amaral, Kamalii, Kihano, Poepoe, Santos, Soares and Uechi.

A concurrent resolution (H.C.R. No. 108) requesting the Governor's Office to recommend a suitable structure for accomplishing resources recovery from solid wastes in the State of Hawaii was offered by Representative Blair.

A concurrent resolution (H.C.R. No. 109) requesting the Postmaster General to issue a Captain James Cook commemorative stamp was jointly offered by Representatives Ho, Kunimura, Kawakami, Yamada, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Soares, Sutton, Suwa, Takamine, Uechi, Yap and Yuen.

A concurrent resolution (H.C.R. No. 110) requesting more efficient elevator service in the State Capitol Building was jointly offered by Representatives Amaral, Ajifu, Carroll, Clarke, Hakoda, Ho, Machida, Medeiros, Mizuguchi, Oda and Poepoe.

At 11:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

At this time, the members of the House extended birthday greetings to Representative Roehrig and a red carnation lei was presented to him by Representative Stanley.

Representative Kimura then made the following motion:

"I move that all Standing Committee Reports laying on the Clerk's desk by 5:00 o'clock p.m. today be adopted and all House bills accompanying said Standing Committee Reports be placed on the calendar for Third Reading or pass Second Reading and thereafter be placed on the calendar for Third Reading as recommended in the Committee Reports."

The motion was seconded by Representative Soares.

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

The House of Representatives reconvened at 11:58 o'clock a.m.

At this time, Representative Carroll introduced to the members of the House Mr. Kenneth Brown, a former member of the State Senate.

At 11:58 o'clock a.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 8:30 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 9:05 o'clock p.m.

#### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 459 to 516) were received in the Chief Clerk's Office up to 5:00 p.m. this legislative day and, in accordance with a motion made earlier, all House bills accompanying said Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading or were placed on the calendar for Third Reading as recommended in the Committee Reports:

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 1849 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 1848 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 463) recommending that

H.B. No. 1413 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 1183 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1755 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1672 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 1875 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 468) recommending that H.B. No. 1427 pass Second Reading and be placed on the calendar for Third Reading.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1871 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 1428 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 471) recommending that

H.B. No. 1801 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 1249 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 571 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 1754 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 929 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 646 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 445 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 846 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 822 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 480)

recommending that H.B. No. 103 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 377 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 821 pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 1354 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1408 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 126 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1782 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1890 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 1900

pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 1887 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1426 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 10 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1113 pass Second Reading and be placed on the calendar for Third Reading.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 385 pass Second Reading and be placed on the calendar for Third Reading.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 999 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 67 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 62 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 40 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 100 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 24 pass Third Reading with certain amendments.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 455 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 55 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 1450 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 622 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 1843 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 95 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 1571 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 1756 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 1874 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 481 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1873 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 35 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 83 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 313 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 37 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 515) recommending that H.B. No. 66 pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 610 pass Third Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on all the House bills to be placed on the calendar for Third Reading.

The Chair, at this time, directed his remarks to the audience, as follows:

"The Chair, at this time, request that the audience exercise restraint of demonstration and exercise decorum; otherwise, the Chair will be forced to take action regarding sitting in the gallery."

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

H.B. No. 13 on Third Reading (Deferred from March 10, 1975):

Representative Suwa moved that H.B. No. 13, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Amaral then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 13, House Draft 2.

The Sixth State Legislature passed Senate Bill 372 during the Regular Session of 1971, of which Section 246.12.3 allowed persons meeting certain qualifications to dedicate their land for residential use if their land was situated in a land zoning which was higher than residential use. Though it was a step in the right direction in aiding our local residents to retain their residential property, there were two major flaws in the law. They

were the restriction of the owner to a person sixty years of age or older and the restriction of the land parcels to be dedicated to not more than 10,000 square feet in area.

House Bill 13, House Draft 2, corrects these flaws by extending residential dedication to any fee simple owner regardless of his or her age and by allowing parcels for single family dwelling residential use, regardless of size, to be so dedicated. I feel we, as Legislators, have a moral obligation to assist our people in these times of rising taxes and inflation, so I encourage this honorable body to vote aye on House Bill 13, House Draft 2.

Thank you, Mr. Speaker."

The motion was put by the Chair and H.B. No. 13 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 91 on Third Reading (Deferred from March 10, 1975):

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 91 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 115 on Third Reading (Deferred from March 10, 1975):

By unanimous consent, H.B. No. 115 was deferred until the end of the calendar.

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

The House of Representatives reconvened at 9:07 o'clock p.m.

H.B. No. 430 on Third Reading (Deferred from March 10, 1975):

By unanimous consent, action on H.B. No. 430 was deferred until the end of the calendar.

H.B. No. 611 on Third Reading (Deferred from March 10, 1975):

On motion by Representative

Roehrig, seconded by Representative Uechi, H.B. No. 611, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

The Chair directed the Clerk to note that H.B. Nos. 13 and 91 had passed Third Reading at 9:06 o'clock p.m. and H.B. No. 611 had passed Third Reading at 9:08 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. 1854

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 1854 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 147

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 147 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1853

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 1853 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Abercrombie voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 1855

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 1855 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1872

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 1872 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 898

Representative Yamada moved that H.B. No. 898, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Cobb then rose

and stated:

"Mr. Speaker, in passing, I would just like to extend the compliments of some of us on the Committee to Representative Sutton's eloquence and logic in convincing so many of us that this was a good bill. We are indeed indebted to him."

The motion was put by the Chair and H.B. No. 898 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 946

On motion by Representative Takamura, seconded by Representative Kunimura, H.B. No. 946 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1877

On motion by Representative Stanley, seconded by Representative Peters, H.B. No. 1877 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1323

On motion by Representative Stanley, seconded by Representative Peters, H.B. No. 1323 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1037

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 1037 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 582

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 582 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1776

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 1776 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda

and Lunasco being excused.

H.B. No. 1692

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 1692 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1412

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1412 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1417

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1417 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1218

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1218 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 484

Representative Yuen moved that H.B. No. 484, having been read throughout, pass Third Reading, seconded by Representative Machida.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to speak against House Bill 484 which would reduce the compulsory school age from eighteen to sixteen.

The reason I speak against this bill is that at this very time the budget is being prepared by the Education Committee which commits this State, commits the Education Committee, in its wisdom as a result of all the hearings that we've held to putting an increased amount of money into alternative schools; of committing the State in terms of dollars to new teaching methods; committing the State to dealing with all the problems that are attendant upon students being unable to read; committing the State, if this budget is passed, to new programs and vocational education, and new programs in agricultural vocational education at a very time when the State is committing themselves should this budget

pass to these new programs. What we are saying is that all that money that is supposed to go towards dealing with those students who find themselves in difficult emotional and vocational straits that, at that very time what we are going to do is reduce the compulsory age of schooling from eighteen to sixteen and, therefore, move into a situation in which we would be saying, out of sight; out of mind.

Because of the school problems, because of the circumstances in the structures of the school system which this Legislature has helped to create and for which it is directly responsible for in budgetary terms; because of the results being such that people have come to regard the school system in disrepute, we now run from the product of that school system, run from our responsibilities and say, oh, when you're sixteen years old, we'll let you go. Precisely at that time when young students are probably at an emotional peak in their lives; precisely at that time, perhaps in their sophomore year or so, when they need more than ever the kind of guidance that counselors might provide and I might add that this budget is putting in for more counselors--I might add that that has been a bipartisan effort. Most of the things I am speaking about has been a bipartisan effort in this budget; at precisely that time, we are going to say, oh, no, go on out in the streets, go out and take your chances; we're saying that at a time, Mr. Speaker, when there is high unemployment in this State; we're saying that at a time when the possibilities for employment; the possibilities of being able to pass your apprenticeship are so dependent upon being able to read and write; at a time when there are indications that being able to read and write are at a low ebb in our State. For all these reasons, Mr. Speaker, I urge that this bill, House Bill 484 reducing the compulsory school age from eighteen to sixteen, be defeated and that this Legislature stands by its responsibilities to the young people of this State."

Representative Soares, upon being recognized, stated:

"Prior to roll call, may I rise to speak in favor of this bill and make a point please?"

The Chair directed Representative

Soares to proceed and Representative Soares continued:

"Mr. Speaker, I note that my colleague--the previous speaker--relates to the operating budget and the many features of it. I would like to make a note also that I noticed on the Committee Report just the words 'I do not concur' and I wonder whether or not my colleague realizes that he should sign his name and then indicate 'I do not concur' if he is against the bill. However, I do think that, in discussing the merits or demerits of a bipartisan or non-partisan measure, I think that the budget that has been worked on adequately covers the needs of the education field and I don't see how this can be relevant in this manner."

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

"I didn't sign my name because my name is so well known, it is superfluous."

The motion was put by the Chair and H.B. No. 484 passed Third Reading by a roll call vote of 34 ayes to 15 noes, with Representatives Abercrombie, Blair, Cayetano, Ho, Inaba, Kawakami, Kiyabu, Kondo, Kunimura, Mizuguchi, Peters, Roehrig, Segawa, Shito and Takamine voting no, and Representatives Ikeda and Lunasco being excused.

#### H.B. No. 786

On motion by Representative Yuen, seconded by Representative Machida and carried, H.B. No. 786, HD 1, was recommitted to the Committee on Education.

#### H.B. No. 738

On motion by Representative Yuen, seconded by Representative Machida and carried, H.B. No. 738 was recommitted to the Committee on Education.

#### H.B. No. 258

Representative Roehrig moved that action on H.B. No. 258 be deferred until tomorrow, March 12, 1975, and the Chair, noting that there were no objections, so ordered.

#### H.B. No. 1851

On motion by Representative Roehrig,

seconded by Representative Uechi, H.B. No. 1851 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1764

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1764 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Abercrombie voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 643

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 643 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1411

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1411 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1419

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1419 passed Third Reading by a vote of 47 ayes, to 2 noes, with Representatives Blair and Peters voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 449

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 449 passed Third Reading by a vote of 46 ayes, to 3 noes, with Representatives Blair, Cayetano and Sutton voting no, and Representatives Ikeda and Lunasco being excused.

At 9:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:28 o'clock p.m.

H.B. No. 1792

Representative Roehrig moved that action on H.B. No. 1792 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

H.B. No. 803

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 803 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 927

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 927 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1550

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 1550 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1136

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1136 passed Third Reading by a vote of 48 ayes, with Representatives Ikeda, Lunasco and Takamura being excused.

H.B. No. 1241

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1241 passed Third Reading by a vote of 48 ayes, with Representatives Ikeda, Lunasco and Takamura being excused.

H.B. No. 513

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 513 passed Third Reading by a vote of 48 ayes, with Representatives Ikeda, Lunasco and Takamura being excused.

H.B. No. 259

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 259 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 518

Representative Roehrig moved that H.B. No. 518, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I urge that House

Bill 518 be voted down. It excludes from discovery peer review proceedings and records of optometrists.

The present situation is that the medical and dental professions enjoy this privilege. I think it should be taken away from them also. I don't see any reason, especially in the light of Watergate and related matters, that any such privilege should exist, especially in a profession that gives an opportunity for people to cover up what they might be doing. It gives the people a chance who might be buddy-up with one another in a profession to protect themselves and in the light of what might be needed, especially from those who might find themselves subject to inadequate medical care or dental care or in this instance, the optometrists. I think that ordinary people ought to have a chance to see some of these proceedings; to see what kind of judgment was being made. I am against anything that makes this discovery process unavailable to the public."

Representative Roehrig then rose and stated:

"Mr. Speaker, just a few remarks in favor of this measure.

The Legislature, in its wisdom, because of the compelling situation principally in hospitals and societies which are private in nature, having to review their own memberships' conduct, the Legislature, in its wisdom, has given them the opportunity to do this without, as we should say, the whole public knowing the nature of it. Even in our 'sunshine bill' and in the rules of the Legislature where matters of personality and personal reputation are concerned, there is adequate provision made for those matters to be discussed privately. So this does not represent an intended intrusion into an area by the public and the press that there is a compelling reason to justify. Thank you."

The motion was put by the Chair and H.B. No. 518 passed Third Reading by a vote of 47 ayes, to 2 noes, with Representatives Abercrombie and Blair voting no, and Representatives Ikeda and Lunasco being excused.

#### H.B. No. 1783

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1783 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

#### H.B. No. 1410

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1410 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

#### H.B. No. 127

Representative Roehrig moved that H.B. No. 127, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Mr. Speaker, I would like to note for the Journal that although it is not specifically provided for in this measure relating to the registration of lobbyists that the custom of having counsel or a representative of a particular organization appear with an employee before workmen's compensation hearings, TDI hearings that are quasi-judicial in nature, are not considered to be lobbying within the intent and meaning of this measure. Thank you."

Representative Cobb, upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak in favor of House Bill 127, House Draft 1, and in so doing indicate a reservation as reflected on the signature of the Committee Report; namely, that this measure covers \$25 expenditures and above but it does so on a non-cumulative basis, so that theoretically, it would be possible for an individual to spend \$24 a day on a given individual, multiplying that by 60 days will be \$1,400 on a non-cumulative basis would not be reflected. I think many other provisions of the bill, however, has some very strong points and for that reason, I am voting for it. But with this particular weakness, I can only express the hope that we catch it in conference. Thank you."

Representative Abercrombie was recognized by the Chair and stated:

"Mr. Speaker, I rise to speak against this bill on the registration of lobbyists, not because there are not sections in it; not because the Committee on Judiciary has not labored long; not because the Committee on Judiciary has not labored indeed with tremendous pressure upon it, and part of the reason that the Committee on Judiciary has to suffer through this is because of the newspapers, because of the media. When I say the media and the newspapers, I don't mean the reporters, I mean the owners; I mean the monopolists who own the newspapers in this town and dozens of other towns across the country who parade freedom of the press and, at the same time, monopolize the news--and the owners of the newspapers in this town enjoy that privilege. I can't wait for the bill to come up when we are going to be able to audit these guys and find out what they are doing. I will vote for that in one second flat. But, in this instance, this bill exempts the various news media, including their owners and employees--that's fine with me, but not the owners who, in the ordinary course of business, publish news items, editorials or comments, are paid advertisements which support or oppose proposed legislative and administrative actions. The news media exemption is limited to what is necessary for them to go about the regular course of their business. The regular course of their business, as far as the owners are concerned, is to distort the news, to take what the reporters have given them in good faith, and to twist it, to put inaccurate headlines, to try and confuse the public. Just in the short time I have been here in this Legislature, I have seen time and again the good work, especially of the Chairman of the Committee on Judiciary, has been twisted and turned to suit the editorial preference of the owners of the newspapers.

. . ."

Representative Soares rose on a point of order and stated:

"Mr. Speaker, I think the speaker should stick to the merit of the lobbyist registration bill and not the media."

Representative Abercrombie continued:

"If Mr. Soares can read the bill, he will find out, in fact, what I can find to be the only exemptions are the owners of the newspapers. Now, if he thinks the owners of the newspapers are such that they give him fair treatment--that is his privilege."

Representative Soares again rose on a point of order and stated:

"I am not going to argue the merits or demerits of the media, but I do think that the speaker should speak on the merits or demerits of the lobbyist bill and not carry on about his feelings about the media or even the Judiciary."

Representative Abercrombie then stated:

"Mr. Speaker, if I could find some substance in what was just said, I would respond further."

Representative Soares reiterated:

"Mr. Speaker, I would like to repeat my statement earlier that the speaker speak for the merit of the bill and not take off on the press or his treatment of the Judiciary Committee as previously stated.

Representative Abercrombie concluded:

"Mr. Speaker, I don't want to go on with this but I would like Mr. Soares to listen to what I am saying. I am speaking about the owners who are specifically exempted from this particular bill and not the paper, not the media. He is using the same kind of trick that the owners do.

Until such time as owners of newspapers are put in as lobbyists and are not exempted, I am not going to vote for any lobbyist's bill that is going to hang on on every legitimate lobby group that comes down here, both nonprofit and otherwise--that includes labor unions, business groups and everybody else that comes here, as well as the Sierra Club or other nonprofit groups, anyone, citizens of any kind, who come down here and exempt these people from their monopoly position to confuse and destroy what I consider to be in a modern industrial age--the only way in which people can get accurate information, so I ask that this bill be opposed until these owners

are brought into line."

Representative Roehrig then rose and stated:

"Mr. Speaker, I rise again to speak in favor of this measure, and I would like to indicate to the prior speaker that I appreciate all of the plaudits given in the direction of the Judiciary Committee and I would like to point out, for purposes of clarification, that your Judiciary Committee shared some of the same concerns that the former speaker had just mentioned, and in the course of its deliberations, your Committee on Judiciary amended page 4 of the bill as it related to the exemption for newspapers, as House Bill 127 provided for in its original form, the newspapers even when they appeared before legislative committees or executive agencies of boards were exempted. In the course of deliberations by your Judiciary Committee, it was felt that the newspapers and other news media should be given the same kind of treatment as everybody else, and so in House Draft 1 which is before this body for Third Reading, the language relating to that particular part of the exemption is deleted. It was your Committee's concern that if we disallowed the newspaper or other news media from their right and privilege to publish their point of view in the newspaper, that we would be running afoul of the recent Supreme Court decision-- I believe it is the Tornelio case in Florida which gives newspapers the right to reply and the right to editorialize on any matter that they feel is in the public interest. It is a matter of freedom of speech which, in our our democratic form of government, we are obligated and entitled to allow, so while I do appreciate, and in some great measure sympathize with, the feelings of the former speaker regarding the position of economic power of the newspaper, I would suggest that his concern is adequately taken care of in this measure. Thank you."

Representative Abercrombie responded:

"Mr. Speaker, after the last few days, I want to tell Representative Roehrig that I really appreciate sympathy for my feelings. Thank you."

The motion was put by the Chair and H.B. No. 127 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Abercrombie voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 108

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 108 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 931

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 931 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Blair voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 1213

Representative Roehrig moved that H.B. No. 1213, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Soares then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1213, House Draft 1.

I have long advocated that the bill before us is both fair and equitable and I have stated before the Charter Commission of the County previously that I have always felt that the members of the House or the Senate should resign prior to determining whether to run for other races. I do feel that this House has taken a step which we tried to three years ago in our campaign reform measure to put this into action. I am very happy and delighted tonight to speak in favor of this bill and see us passing it on Third Reading."

The motion was put by the Chair and H.B. No. 1213 passed Third Reading by a vote of 48 ayes to 1 no, with Representative Yuen voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 1576

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1576 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 332

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 332 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 320

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 320 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1864

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1864 passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Abercrombie and Amaral voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 766

On motion by Representative Sakima, seconded by Representative Kunimura, H.B. No. 766 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1240

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 1240 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 989

Representative Yuen moved that H.B. No. 989, having been read throughout, pass Third Reading, seconded by Representative Machida.

Representative Abercrombie then rose and stated:

"I am sorry to have to rise so often to speak in opposition, but I think that it is necessary under these circumstances. I find that the way the bill is written; that is to say, that the written request of the parents shall be sufficient, in all likelihood, for having a principal grant a student leaving the school at any time during the school hours for any length of time as often as indicated by the parent,

is simply incompatible with good school administration.

I think also that some of us are aware of the tremendous lobbying that is going on with respect to certain religious organizations who want to enable their programs to be carried forward with people who are members of that religion or any religion. I think that serious Constitutional questions would arise from such a thing and so we find that that is not before us but this bill is. I think that very careful reading of this bill by the members here will show them that abuse of what is probably the good intent of this bill can very easily occur.

In the absence of compelling reasons to have such a thing move forward; in the absence of being able to guarantee in some reasonable fashion that the principal of the school be able to maintain good order on his or her campus; in the absence of any reasonable indication to me that such abuse will not occur, I request that, in turn, this House vote down this bill until such time as the full implications of such a wide-ranging, free-floating kind of policy is established into law. I would be very hesitant if I was a member of the Board of Education, of the Department of Education, if I was a principal, to want to move to deal with the massive implications that this might entail if I was confronted with the responsibility of responding to it. Thank you."

The motion was put by the Chair and H.B. No. 989 passed Third Reading by a roll call vote of 41 ayes to 8 noes, with Representatives Abercrombie, Blair, Cobb, Naito, Peters, Roehrig, Takamura and Yamada voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 991

On motion by Representative Yuen, seconded by Representative Machida and carried, H.B. No. 991 was recommitted to the Committee on Education.

H.B. No. 381

On motion by Representative Blair, seconded by Representative Kondo, H.B. No. 381 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 701

On motion by Representative Stanley, seconded by Representative Segawa, H.B. No. 701 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1648

By unanimous consent, action on H.B. No. 1648 was deferred until the end of the calendar.

H.B. No. 1784

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1784 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1507

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, H.B. No. 1507 was recommitted to the Committee on Energy and Transportation.

H.B. No. 619

Representative Segawa moved that H.B. No. 619, having been read throughout, pass Third Reading, seconded by Representative Naito.

Representative Sutton, upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak against House Bill 619 because of the fact that it infringes on the most beautiful relationship that exists in this world and that is between parent and child. I do not like to see the government substituted for the parent. I do not feel that we accomplish anything by circumventing what is the natural law of life and the natural law of all religions; that is, the child is in the custody of his parents until he reaches a majority. We are addressing our attention here to the child in his minority. I recognize the extreme seriousness of the fact that a child, when it does have venereal disease, must be treated and must be treated immediately. I realize the statistics that we have had an increment in the number of cases, particularly in gonorrhoea. However, I do feel that we can effect the same proposition by not exempting this responsibility that the parent

owes the child and the custodianship which is so traditional in America. Thank you so much."

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to set a question right here. . . I believe the previous speaker may not be aware of the true wording of the bill which does not say anything about the child cannot communicate with the parent. So there is nothing that says that we are cutting this relationship off so I want that for the record. Thank you, Mr. Speaker."

The motion was put by the Chair and H.B. No. 619 passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Amaral, Kondo, Medeiros, Poepoe, Soares, Sutton and Uechi voting no, and Representatives Ikeda and Lunasco being excused.

At 9:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

H.B. No. 363

Representative Yamada moved that action on H.B. No. 363 be deferred until tomorrow, March 12, 1975, and the Chair, noting that there were no objections, so ordered.

H.B. No. 1876

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1876 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1498

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1498 passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Cobb and Roehrig voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 1852

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1852 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1499

Representative Cayetano moved that H. B. No. 1499, having been read throughout, pass Third Reading, seconded by Representative Kiyabu.

Representative Blair, upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak in favor of House Bill 1499, House Draft 1.

Mr. Speaker, the purpose of this bill is to insure that State small boat harbors will be used for their intended purposes, recreational boating activities and the landing of fish. Mr. Speaker, the problem of house boats on the Ala Wai Boat Harbor is limited by this bill in that no new live aboard permits will be issued. Hardship to existing residents of the Ala Wai are avoided by explicit provision for the renewal of their live aboard permits.

Mr. Speaker, additional changes are:

1. Boats now capable of navigation, if the bill passes, this capacity must be exercised periodically; and
2. Residents will have priority in the assignment of berths.

Mr. Speaker, as a final word on House Bill 1499, House Draft 1, I would like to apologize for any of my excessive zeal and language which should not be taken to reflect the sentiments of other Representatives who may be voting for House Bill 1499, House Draft 1. Thank you, Mr. Speaker."

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak against House Bill 1499, House Draft 1. I am opposed to this bill because I believe that any action in this area is premature. The Legislature simply does not have enough facts in respect to persons living aboard boats in our boat harbors. Your Committee on Energy and Transportation also does not have all the fact and figures needed to make reasonable decisions.

In fact, the Harbors Division of the Department of Transportation

does not have complete facts or figures. If the Department who is charged with the responsibility of regulating our small boat harbors cannot provide legislators with adequate data, I believe this body would be acting unwisely in approving any measure.

At a public hearing on this bill Saturday, testimony from one live-aboard after another indicated to me that these people are decent, honest citizens. A majority are Hawaii residents, contrary to the records of the Department of Transportation. Further, their well-documented testimony proved to me that they very much care about the quality of our environment. But, they are getting little or no help from the Harbors Division in keeping their environment clean and pollution free.

The Standing Committee Report states, among other supposed justifications, that live-aboards pay minimal charges for electricity. This is an overt case of distortion. It is simply not true. What is true is that most of the slips are metered, and these people pay electricity bills just as do homeowners and condominium dwellers.

Another example of purported fact upon which this bill was reported out of Committee, is that 'over 55% of the persons residing on vessels at the Ala Wai Boat Harbor arrived within the State in the past five years.' This is a Department of Transportation statistic. It may indeed be correct. But, can the Department or anyone else, for that matter, answer the following question: What is the comparable percentage figure for residents of Waikiki condominiums built within the last five years? I doubt the figure would be much different.

The Committee is concerned with seeing that berthing facilities are made available to State residents, so am I concerned, but I do not believe it is within our jurisdiction to say that a new Hawaii citizen is to be given second class consideration. It is unjust and perhaps even unlawful to exclude new residents from berthing facilities.

The major problem, as I understand it, Mr. Speaker, lies with the Harbors Division of the Department of Transportation. Their enforcement of standards and requirements has been minimal.

As an example, according to testimony, the Harbors Division has continued to approve live-aboard applications for boats that have no engines and no propellers. A ten-year old law specifically forbids live-aboards on these dormant boats, but the Harbors Division ignores the law.

Many of those living aboard boats have asked repeatedly for a financial breakdown of costs at the small boat harbors. They have repeatedly said they are more than willing to pay fees necessary to cover the costs of facilities and services which they use. These people live on their boats and are concerned for their boats and the surrounding environment. They are as opposed to dumping and pollution in the harbors as you and I, Mr. Speaker. They are probably more concerned that dormant and run-down vessels be removed from our harbors.

In January of 1973, the Director of Transportation ordered the Chief of the Harbors Division to hold in abeyance proposed revisions of the rules and regulations governing our small boat harbors. The Director also appointed a three-man Ad Hoc Committee to make recommendations and to advise him on various boating matters. During the past two years, this Ad Hoc Committee found major discrepancies in the accounting figures of the Harbors Division. The Committee also reported administrative failings of the Harbors Division. As a result, the House of Representatives of the State of Hawaii last year passed House Resolution 415, House Draft 1. This Resolution requested the Legislative Auditor to conduct an examination of the financial and management practices, policies, and procedures of the Harbors Division. Special emphasis was to be placed on examination of the small boat harbors program, and the report was to be presented to legislators twenty days prior to this legislative session. This report has not been made to date.

Further, to quote from a January 16th, 1974 letter from E. Alvey Wright, State Transportation Director:

'Currently, we are reviewing our enforcement programs for the small boat harbors in order to make them more effective.

The boaters have been most helpful in bringing to our attention certain enforcement matters which seem to require serious review and possible correction.'

This review suggested by Admiral Wright himself, has not been made to date. Therefore, until the House of Representatives receives the findings mandated by its own Resolution, and until the Director of Transportation reports on its self-admitted correctable matters, I would strongly urge this body to defer any action amending any of the present laws governing the operation of the small boat harbors. Certainly, this honorable body would not like to be in a position of acting on new legislation that its own prior Resolution might easily negate or invalidate.

Therefore, I ask the members to vote 'no' on House Bill 1499, House Draft 1. Thank you, Mr. Speaker."

Representative Carroll, upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak against this bill. I live on board a boat in the Yacht Harbor with a live-aboard permit.

Mr. Speaker, this bill will do away with our children's right to Hawaii's heritage--the right to access to the open sea. Standing Committee Report No. 458 which is supposed to reflect the findings of fact relative to House Bill 1499, House Draft 1, is grossly in error as is already been pointed out by my erudite colleague, Ms. Kamalii. This implies that the residents of the boat harbor are receiving free electricity which she pointed out is not true.

Pollution in the last two years, according to a Board of Health survey, indicates that pollution is down 95% as far as fecal coliform count is concerned since the Harbors Administration sewerred the area. Photographs taken of the water indicate that that water is clean or relatively clean. Garbage pick-up which is supposed to be free to these live-aboard persons is treated the same as it is in any other neighborhood on this island.

Testimony as to crime is pure shibai. It's the only place in Waikiki where one can walk forth at night

at two or three o'clock in the morning without being in fear of being attacked or robbed. The boats are left open, unlike condominiums, which have to have one and two and even three locks because of the burglars and other unsavory persons walking in those districts.

Mr. Speaker, the legal live aboards, in many cases here, are fulfilling their lifelong dream. The testimony at the hearing on this bill clearly showed that these citizens work, pay taxes and are respectable citizens. They are more than willing to pay their own way. These people are totally involved in the recreational aspects of their vessels. The primary use of these boats is recreational, Mr. Speaker. Living aboard is simply incidental to that recreational aspect. For the most part, if these people did not enjoy the boating, they would not confine themselves to this way of life.

The Committee Report indicates on page 2 that this Boat Harbor has 220 live aboard permits, sorry, the Ala Wai has 220 live-aboard permits, involving approximately 368 persons. I have no reason to doubt that figure. It's incredible that the introducer of House Bill 1499, House Draft 1, could invade the lives of these people by this bill in a state of absolute ignorance as to the current law relative to small boat harbors. The introducer of the bill and several members of the Committee were not even aware that there was such a thing as a legal live aboard permit until after the hearings had been held several times on this matter. The Committee Chairman and the introducer did not consider nor is there mentioned anywhere in the Committee report or the bill, questions, much less the answers, regarding the legal impact of this law on the lives of these nearly 400 persons. The report does not consider whether or not the government can be stopped from denying persons the full use of their personal property after having allowed them to make costly purchases of vessels.

In Kalihi, when there was a move to put the H-3 through and there was a problem of possibly displacing 110 families, a \$250 million project was moved, Mr. Speaker, to accommodate those

persons. In this case, these investments which represent most of these peoples' entire life's earnings are at stake. In some cases, prospective purchasers are involved. People who are on the list and coming up to be given a live aboard permit--there is no indication of any concern for them. There is no mention of subsequent purchases of the non-conforming personal property. There is no mention of a series of New Jersey cases addressing this very issue with respect in that case or in that State to house trailers when there was a rezoning change done, nor is there any mention that the attempt to dislodge those persons and deny them the use was held unconstitutional as being discriminatory, Mr. Speaker, not against the rich but against the poor. Questions of defacto condemnation are sluffed aside. They express some concern about denying permit applications to out-of-state residents as being 'constitutional' questions when clearly they don't. And the real questions of constitutionality as to the denial of property rights without due process and infringement of the owners were not even considered or even given summary treatment. The Committee report talks about problems and it talks about so called facts and it talks about the legislative intent of 266-1 of the Hawaii Revised Statutes, but apparently no attention was given to the harbor regulations and to the rights of the persons who have boats there after having been issued legal State permits.

It is incredible to me, Mr. Speaker, that the introducer of this bill could not at least have checked the law in this matter. I have asked, Mr. Speaker, not on the floor of this House, that this matter be referred to Judiciary so that these questions could be properly answered, so that this thing could be fileted out, and so that we could get answers which would make sense.

The thrust of the bill seems to be to remove as many people as possible who are living on the boats in the harbor. The Grandfather Clause, which I must submit was put in at my request, does alleviate some of the initial problems but as far as this new law is concerned, or as far as the House draft is concerned, this State which is the most perfectly located and environmentally suited State for living on board boats is now to become the only State that prohibits this unique way of life. This will end the achievable dream for the citizens of this State and preserve it only to

those who are lucky enough at this time to have a live-aboard permit. We deny this right to all but the rich. This bill militates against the poor, against the have-nots and it's very frustrating that Committee members cannot or will not understand this fact that only the rich will be able to afford the types of boats that are presently wet-berthed at the Ala Wai and this dream of one's own sea-going vessel is going to be foreclosed in the future to the poor and to the people of our State. There was no public urgency indicating any immediate need for this bill. There was incredible conflict at the hearings between the Harbors Division and the many citizens who testified there. There is no compelling need for the legislation, there's no need to ram this bill through the House under these circumstances in this shabby, ill thought out, makeshift piece of legislation.

.."

At this point, Representative Garcia rose and stated:

"Point of order--will the gentleman please refrain from pointing to the Committee Chairman. They have gone through the proper procedure by having Committee hearings and checked by the House Majority Attorney so will he please refrain from making any mention of this."

The Chair stated that the point was well taken.

Representative Carroll continued:

"If I had made mention of the Committee Chairman, I apologize at this time. I was referring to the bill and not to personalities. But in any event, Mr. Speaker, this bill, should it be our misfortune that it should pass, will be a pox upon this House and I am ashamed of my colleagues who vote 'yes' on this bill and I urge everyone to vote 'no.'

Thank you, Mr. Speaker."

Representative Cayetano, upon being recognized by the Chair, stated:

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

Mr. Speaker, under the operating

policies of the Department of Transportation, it is permissible to live aboard one's boat while it is moored in a State small boat harbor. While living aboard is allowed only on a temporary basis in most of the harbors, permanent living aboard is allowed at two of our harbors. At Ala Wai and Keehi, large numbers of persons are currently living aboard vessels with the approval of the Department of Transportation. Based on the Department's financial records, the following facts are indicated for Ala Wai and Keehi for June 1974: At Ala Wai, the number of boats paying mooring fees totaled 723; the number of boats with live-aboards totaled 220. At Keehi, the respective numbers were 316 and 31. Additionally, Mr. Speaker, the number of unauthorized 'live-aboards' may exceed 100 for the Ala Wai Harbor alone. Moreover, if present policies and procedures continue to be followed, the numbers of live-aboards will also continue to mount. This is because more and more of the persons on the waiting lists to obtain berths at the two harbors are also applying for live-aboard status. Thus, of 670 mooring permit applications received during 1974, there were 362 applications for the right to live aboard the vessels once berths were assigned to them.

Mr. Speaker, there are numerous and significant advantages to being a live-aboard, especially at the Ala Wai. Some of these advantages apply to all vessels moored at the harbor, but become particularly advantageous when one is living aboard one's boat. These advantages include extremely modest monthly fees, free water, privileges parking, and no property tax payments, actual or imputed. My colleague, Representative Carroll, Mr. Speaker, spoke about the poor. Well, let me say this, that the inequity of this whole situation was graphically demonstrated at one of our hearings where it was gleaned through testimony that one of the boat owners there own a boat which was worth \$200,000 and paid less than \$70 a month in mooring fees. Additionally, Mr. Speaker, the live-aboard population appears to be composed of a high proportion of persons who are not residents of the State of Hawaii or who were not residents at the time of their application for berthing space. One indication of this phenomenon is the high percentage of persons who list out-of-state addresses at the time they submit their applications

to the Harbors Division. For example, Mr. Speaker, out of the 235 live-aboard permits issued in 1974, about 66 percent were from persons listing out-of-state addresses. Further, Mr. Speaker, many of the live-aboards are not paying income taxes to the State of Hawaii. Based upon a study made by the Department of Taxation at the request of the Harbors Division, about 48 percent of the persons holding live-aboard permits have filed no State income tax returns.

Mr. Speaker, contrary to legislative intent, the recreational aspect of the State small boat harbor program has been circumscribed primarily because of (1) the fact that the Department of Transportation has adopted policies, procedures, and practices which go contrary to the clear expression of legislative intent; and (2) the failure of the Department to adopt adequate and appropriate rules and regulations to ensure that craft berthed in small boat harbors are actually utilized for ocean recreation and the landing of fish. A survey of the harbor conducted by the Department in 1972 indicated that 60 percent to 70 percent of the boats moored in Ala Wai and Keehi harbors never get underway to sea for any purpose, either because they were being used primarily for domiciles or because they were in such poor condition they would sink or fall apart before reaching the breakwaters outside the harbor.

Mr. Speaker, there are other problems which have been caused or made worse by the presence of large numbers of live-aboards at the boat harbors. At the hearing, Mr. Speaker, the Department of Transportation made reference to the problem of crime. Let me say, and let me put this matter to rest once and for all. Of the one hundred something witnesses who came to testify, I don't think any member of the Committee would deny the fact that these were decent, law-abiding and hardworking citizens. So let us put that aside once and for all.

But, Mr. Speaker, one of the more serious problems caused by the live-aboards, in part, by the live-aboards, is the problem of pollution. Although the Harbors Division has developed standards and requirements governing

pollution at the harbors, enforcement of these has been minimal and pollution is believed to be on the increase. Although holding tanks, pump-out facilities, and comfort stations are provided at Ala Wai, Harbors Division personnel and others indicate that minimal use is made of many of these facilities. Hence, much sewage and effluents continue to be flushed directly into harbor waters.

Mr. Speaker, the situation has reached the point where even responsible personnel within the Department have declared that Ala Wai harbor is in an unmanageable condition. The Department recommended to us that live-aboards be excluded from State small boat harbors. Personnel of the Department must now divert a considerable amount of its limited administrative resources from one of its primary responsibilities--harbor management--to deal with the myriad of problems generated by the numerous residents who reside within harbor facilities which were neither planned nor intended for habitation purposes.

Mr. Speaker, the hearings showed that there are many people who have relied on the representation and the lack of intestinal fortitude of the Department of Transportation to enforce the rules and regulations. Therefore, we have amended House Bill 1499 by adding a new findings and purpose section and also providing that as of the effective date of the Act, no live-aboard applications shall be considered nor permits issued in order to comply with the purpose of this section; provided, however, that persons holding live-aboard permits prior to the effective date of this Act shall be permitted to renew such permits for their own use pursuant to the appropriate rules and regulations described by the Department.

Mr. Speaker, we are cognizant of the fact that State small boat harbors were not intended and constructed to provide facilities for permanent habitation nor operated or maintained as such. It is also aware that the Department of Transportation has failed to exclude live-aboards from these harbors. Your Committee, therefore, believes that a complete investigation of this issue is warranted before taking any necessary action to ensure that State small boat harbors are utilized for the purpose of promoting recreational activities and

the landing of fish. The Legislative Auditor has been conducting an audit of this program and should report his findings shortly. Therefore, rather than move prematurely in this area, we have amended House Bill 1499 to hold the matter of present live-aboards in abeyance until the issuance of the Legislative Auditor's report. At that time, Mr. Speaker, this body will have to make a hard, philosophical decision; that is, whether we will continue this lifestyle or we will permit this lifestyle to continue.

Mr. Speaker, allowing any new live-aboards is entirely contrary to the purposes of the State small boat harbors. More importantly, these harbors were not, nor are they planned to be suitable for permanent habitation. I might point out, Mr. Speaker, that until 1971, general funds were used to construct the facilities at the Ala Wai Harbor and for that matter, all small boat harbors. In effect, Mr. Speaker, until 1971, the general public, whether it be the service station worker from Kalihi or the plantation worker from Waipahu, was, in effect, subsidizing the small percentage of people who were living at the harbors. Therefore, Mr. Speaker, it is necessary to move quickly to remove from State small boat harbors those crafts which do not, with reasonable frequency, leave the harbor for the purpose of recreation and the landing of fish. The long waiting list for the berth space does not allow the use of the harbors for the purpose of recreation. As I stated earlier, we have amended House Bill 1499 to comply with this requirement.

In conclusion, Mr. Speaker, let me state that the Department of Transportation, in its failure to enforce the rules and regulations of the harbor, has built up the expectations of many of the present live-aboards. Many of them have invested heavily in their boats and many of them had expected to live there. This is a tough situation and this is something we will consider when we make the decision in the next session and this is something we have considered in the amended version of House Bill 1499.

Thank you."

Representative Blair then rose and stated:

"Mr. Speaker, I would simply like the record to reflect that the 'Grandfather Clause' was not put in at the request of any Representative, but rather, it was put in because the majority of the members felt that to leave this out would cause undue hardship for those now residing there. Thank you."

Representative Abercrombie then stated:

"Mr. Speaker, with regulations already clearly available to the Division of Harbors to deal with hulks, with speculators running wild in these islands, with millions of gallons of sewage being spilled into our waters, to single out this group at this time is something I cannot abide. At the minimum, I urge the Legislature to await the Legislative Auditor's report before we take any action.

I urge that we vote down this bill."

Representative Kamalii again rose and stated:

"Mr. Speaker, just a point. The Chairman of the Committee stated many problems and I contend that these problems are there but they are not there because of the live-aboards at the Harbor. They are there because of the negligence of the Department of Transportation and the Harbors Division. He mentioned finances, that in 1971, the CIP projects were spared as far as the boat harbor was concerned--may I bring to the attention of this body that since 1972, 1973, 1974 and 1975 fiscal years, there has been a net surplus--in 1972 of \$141,000; \$83,000 in 1973; \$46,000 in 1974; and \$97,000 in the Special Boat Fund. These people are paying their way."

At this time, the Chair directed his remarks to the audience:

"I request that the audience do not tax the Chair's patience."

Representative Carroll, in rebuttle, then stated:

"It was mentioned that privileged parking was available to the people in the boat harbor at Ala Wai. That is not true, Mr. Speaker. Every

three days or so, they are ticketed or if they accumulate numbers of tickets, they are towed away."

Representative Cayetano, in response to Representative Kamalii, stated:

"Mr. Speaker, the surplus cited by Representative Kamalii is somewhat misleading. One must remember that prior to 1971, the \$20 million worth of bonds from the General Fund were appropriated to construct the small boat harbor facilities. The General Fund is still carrying the debt service on those appropriations. The surplus you speak of, Representative Kamalii, is from the Special Fund but that does not include the debt service from the General Fund. Thank you, Mr. Speaker."

The motion was put by the Chair and H.B. No. 1499 passed Third Reading by a roll call vote of 33 ayes to 16 noes, with Representatives Abercrombie, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Kamalii, Larsen, Medeiros, Oda, Poepoe, Santos, Soares, Sutton and Yap voting no, and Representatives Ikeda and Lunasco being excused.

#### H.B. No. 1734

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 1734 passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

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

The House of Representatives reconvened at 10:56 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 152 on Third Reading (Deferred from March 10, 1975):

On motion by Representative Lee, seconded by Representative Takamine, H.B. 152, having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Ajifu, Evans and Sutton voting no, and Representatives Ikeda and Lunasco being excused.

H.B. No. 115 on Third Reading (Deferred from March 10, 1975):

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 115, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 430 on Third Reading (Deferred from March 10, 1975):

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 430, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Ikeda and Lunasco being excused.

H.B. No. 1792 on Third Reading:

Representative Roehrig moved that action on H.B. No. 1792 be deferred until tomorrow, March 12, 1975, and the Chair, noting that there were no objections, so ordered.

H.B. No. 1648 on Third Reading:

Representative Roehrig moved that H.B. No. 1648, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Sutton then rose and stated:

"Mr. Speaker, I wish to speak against this bill.

Mr. Speaker, we have in the common law, the concept that dower is a one third interest, at best, during life, and the courtesy is the interest of the male spouse that only vest upon them, both being one third.

For many, many years, all our deeds, all our estate planning, all of the common law has followed this concept. This is a rule of law that is imbedded very deeply in all conveyances and all transactions concerning land. When we change this, we have changed maybe 500 years of common law. When we change this, we are not just following a concept of equality of the law in a new concept of women's liberation and men's liberation, we have moved into a field and into a sphere where we interrupt the very basic elements of the common law. I, therefore, Mr. Speaker, oppose this bill."

Representative Carroll then stated:

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

I signed Committee Report No. 451 reporting out House Bill 1648 'I do not concur.' At the time that we had the Committee hearing, I went over the bill that was before us and I had some concerns at that time because of the intricacies of the language changes which had been made to the original bill. After having perused that bill quite carefully and having conferred briefly with our House Minority Attorney, I find that it is a well written bill, a good law, and I urge all to vote for it.

Thank you, Mr. Speaker."

Representative Roehrig was recognized and stated:

"Mr. Speaker, I would like to make a few remarks in favor of this measure.

I think one of the previous speakers raised a very important point regarding this legislation. It is true that many of the laws that govern this community and this society have been imbedded in the legal framework as a result of many years of legislation and much tradition going back to our common law heritage in England. Notwithstanding, part of the role of the Legislature as policy makers for this society is to adjust and amend the rules of the road, so to speak, that this society operates under. In the area of dower and courtesy, we face an anomaly. This Legislature and this State has seen fit to adopt an equal rights amendment to our State Constitution which provides, in essence, that there shall be no discrimination as between men and women based on sex alone. However, in our law relating to inheritance, until this measure has been introduced this year, we were faced with a situation where the owner of property who is a woman and who is married is entitled to convey whatever property she owns in her own regard without the consent of her spouse. On the other hand, would the man attempt to do the same thing, the present statutory law and common law throughout the United States would require that the man get the consent of his wife in order that a cloud not be presented at the time of transfer of title.

This measure corrects that inequity. It provides, in the final

analysis, that women and men will be treated equally. It provides to the man of the marriage the opportunity to be consulted with and have his consent given if his spouse wishes to transfer during her lifetime an interest in property which she has. This is in keeping with our equal rights amendment and I think it is a good measure and I urge the members of this House to support it. Thank you."

The motion was put by the Chair and H.B. No. 1648, having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Blair, Sutton and Yamada voting no, and Representatives Ikeda and Lunasco being excused.

The Chair directed the Clerk to note that H.B. Nos. 1854 at 9:08 o'clock p.m.; 147 at 9:09 o'clock p.m.; 1853 at 9:10 o'clock p.m.; 1855 and 1872 at 9:11 o'clock p.m.; 898 and 946 at 9:12 o'clock p.m.; 1877, 1323, 1037 and 582 at 9:13 o'clock p.m.; 1776, 1692 and 1412 at 9:14 o'clock p.m.; 1417 and 1218 at 9:15 o'clock p.m.; 484 at 9:22 o'clock p.m.; 1851 at 9:23 o'clock p.m.; 1764 and 643 at 9:24 o'clock p.m.; 1411, 1419 and 449 at 9:25 o'clock p.m.; 803, 927 and 1550 at 9:29 o'clock p.m.; 1136, 1241 and 513 at 9:30 o'clock p.m.; 259 at 9:31 o'clock p.m.; 518, 1783 and 1410 at 9:34 o'clock p.m.; 127, 108 and 931 at 9:43 o'clock p.m.; 1213, 1576, 332 and 320 at 9:45 o'clock p.m.; 1864, 766 and 1240 at 9:46 o'clock p.m.; 989 at 9:51 o'clock p.m.; 381 at 9:52 o'clock p.m.; 701 and 1748 at 9:53 o'clock p.m.; 619 at 9:55 o'clock p.m.; 1876, 1498 and 1852 at 10:00 o'clock p.m.; 1499 at 10:34 o'clock p.m.; 1734 at 10:35 o'clock p.m.; 152 and 115 at 10:57 o'clock p.m.; 430 at 10:58 o'clock p.m.; and 1648 at 11:05 o'clock p.m.

At this time, Representative Carroll rose and stated:

"Mr. Speaker, this is not an announcement but a reaffirmation of an invitation to Representative Cayetano and Representative Blair to sail on my boat out of our very clean waters in the Ala Wai."

Representative Cayetano responded:

"Mr. Speaker, Representative Carroll, I would be very glad to

accept your invitation, but you don't mind if I take my wife, do you, instead of the other person you mentioned."

Representative Blair then stated:

"Mr. Speaker, I gratefully accept, provided that if I go out with Representative Carroll, there are provisions for bringing me back."

The Chair stated:

"I presume you mean alive, too."

Representative Carroll replied:

"Mr. Speaker, I meant to say that I would guarantee safe passage insofar as possible."

#### ADJOURNMENT

At 11:07 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Wednesday, March 12, 1975.

## FORTIETH DAY

Wednesday, March 12, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Richard Millspaugh of the First United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Carroll, Ikeda, Roehrig and Segawa, who were excused.

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

On motion by Representative Kimura, seconded by Representative Soares and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Ninth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 30 and 31) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 30) returning House Concurrent Resolution No. 3, which was adopted in the Senate on March 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 31) transmitting Senate Bill No. 1215, SD 1, entitled: "A Bill for an Act relating to establishment of an Oahu Metropolitan Planning Organization and Policy Committee," which passed Third Reading in the Senate on March 11, 1975, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Soares and carried, S.B. No. 1215, SD 1, passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Oda introduced 25 merchants from Tokyo, Japan, who were accompanied by Yoshinobu Enomoto, Hisae Yoshida and Yoshihiko Ouye.

Representative Fong introduced 55 Punahou 6th graders who were accompanied by their teachers, Mr. Duran and Ms. Donahue.

Representative Cobb introduced 71 Wilson Elementary School 5th graders and their teachers, Mrs. Kathleen Chock, Mrs. Edna Mau and Mrs. Carol Hamada.

Representative Soares introduced the following Niu Valley Intermediate Student Council officers: Baron Gushiken, Campus Counselor; Hal Silva, President; Richard Kasuya, Vice-President; Lionne Brooks, Chairman of Legislative Committee; Randall Mimaki, Elections Committee Chairman; and Alton Nishibun, Elections Committee member.

Representative Peters introduced 15 Campbell High School students and their teacher, Mr. Donald Martin.

## ORDER OF THE DAY

## COMMITTEE REFERRALS

S.B. No. 1215, SD 1, was referred to the Committee on Energy and Transportation.

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 572 to 581) and concurrent resolutions (H.C.R. Nos. 108 to 110) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
572	Committee on Environmental Protection
573	Jointly to the Committees on Youth and Elderly Affairs and Housing
574	Committee on Education, then to the Committee on Housing
575	Committee on Culture and the Arts
576	Committee on Consumer Protection and Commerce

- 577 Jointly to the Committees on Higher Education and Education
- 578 Committee on Water, Land Use, Development, and Hawaiian Homes
- 579 Committee on Agriculture
- 580 Committee on Water, Land Use, Development, and Hawaiian Homes
- 581 Committee on Agriculture

action on H.B. No. 356 be deferred until tomorrow, March 13, 1975, and the Chair, noting that there were no objections, so ordered.

H.B. No. 258 on Third Reading (Deferred from March 11, 1975):

Representative Roehrig moved that action on H.B. No. 258 be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 1792, HD 1 on Third Reading (Deferred from March 11, 1975):

Representative Roehrig moved that action on H.B. No. 1792, HD 1 be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.C.R. Nos.

- 108 Committee on Environmental Protection
- 109 Committee on Culture and the Arts
- 110 Committee on Legislative Management

H.B. No. 363, HD 1 on Third Reading (Deferred from March 11, 1975):

Representative Yamada moved that action on H.B. No. 363, HD 1 be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

At 11:10 o'clock a.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:17 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Roehrig.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

H.B. No. 419, HD 2 on Third Reading (Deferred from March 11, 1975):

On motion by Representative Lee, seconded by Representative Naito, H.B. No. 419, HD 2, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Ikeda and Segawa being excused.

H.B. No. 356 on Third Reading (Deferred from March 11, 1975):

Representative Uechi moved that

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 582 to 585) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 582) congratulating the University of Hawaii's Ethnic Studies Program for its outstanding community service was jointly offered by Representatives Takamura, Ho, Abercrombie, Blair, Cayetano, Garcia, Kawakami, Kimura, Kunimura, Sakima, Stanley, Ushijima, Yamada and Yuen.

On motion by Representative Takamura, seconded by Representative Ho and carried, H.R. No. 582 was adopted.

A resolution (H.R. No. 583) congratulating Pale T. Eva, Jr. on the occasion of his becoming a United States citizen and for his many achievements was jointly offered by Representatives Ho, Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ikeda, Inaba,

Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ho, seconded by Representative Peters and carried, H.R. No. 583 was adopted.

A resolution (H.R. No. 584) congratulating the Pearl City Chargers on their Oahu Interscholastic championship was jointly offered by Representatives Cayetano, Akizaki, Blair, Cobb, Evans, Ho, Kimura, Kiyabu, Kunimura, Lee, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Santos, Shito, Stanley, Sutton, Suwa, Takamura, Ushijima, Yamada and Yap.

On motion by Representative Cayetano, seconded by Representative Mizuguchi and carried, H.R. No. 584 was adopted.

A resolution (H.R. No. 585) supporting and commending "Operation Face-Lift" was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Fong, Garcia, Ho, Inaba, Kamalii, Kawakami, Kihano, Kondo, Larsen, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Santos, Shito, Soares, Sutton, Suwa, Takamine, Uechi and Yuen.

On motion by Representative Kiyabu, seconded by Representative Mizuguchi and carried, H.R. No. 585 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 586 to 593) and concurrent resolutions (H.C.R. Nos. 111 to 113) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 13, 1975:

A resolution (H.R. No. 586) requesting the Liquor Commission to compel liquor establishments to inform customers of drink minimums and cover charges before entering the premises was offered by Representative Lunasco.

A resolution (H.R. No. 587)

relating to transportation services for the elderly was jointly offered by Representatives Takamura, Akizaki, Amaral, Carroll, Cayetano, Cobb, Evans, Inaba, Kondo, Lee, Machida, Naito, Soares, Takamine, Uechi and Yap.

A resolution (H.R. No. 588) requesting State support and assistance to the Hawaii Committee on Alcoholism was jointly offered by Representatives Segawa, Lee, Naito, Stanley and Takamine.

A resolution (H.R. No. 589) requesting the State Department of Land and Natural Resources and the county governments to specify those lands which should be protected by their inclusion in the Constitution of the State of Hawaii was jointly offered by Representatives Kawakami, Cayetano, Clarke, Kimura, Kunimura, Machida, Naito, Roehrig, Shito, Stanley, Uechi, Yamada and Yap.

A resolution (H.R. No. 590) requesting the Department of Land and Natural Resources to identify public lands which lack public access and to provide recommendations for access routes to these areas was jointly offered by Representatives Kawakami, Ajifu, Blair, Cayetano, Clarke, Cobb, Fong, Kimura, Kunimura, Machida, Mizuguchi, Naito, Roehrig, Shito, Stanley, Uechi, Yamada, Yap and Wakatsuki.

A resolution (H.R. No. 591) requesting the Department of Health to conduct a study to determine the need of establishing a medical facility in the Heeia to Hauula area, Oahu, was offered by Representative Clarke.

A resolution (H.R. No. 592) requesting a study of the feasibility of using deep ocean waters for cooling was offered by Representative Carroll.

A resolution (H.R. No. 593) requesting that Kalaupapa residents be permitted to remain as residents was jointly offered by Representatives Santos, Kondo and Segawa.

A concurrent resolution (H.C.R. No. 111) requesting the State Department of Land and Natural Resources and the county governments to specify those lands which should be protected by their inclusion in the Constitution of the State of Hawaii was jointly offered by Representatives Kawakami, Cayetano, Clarke, Kimura, Kunimura, Machida, Naito, Roehrig, Shito, Stanley, Uechi, Yamada and Yap.

A concurrent resolution (H.C.R. No. 112) requesting the Department of Land and Natural Resources to identify public lands which lack public access and to provide recommendations for access routes to these areas was jointly offered by Representatives Kawakami, Ajifu, Blair, Cayetano, Clarke, Cobb, Fong, Kimura, Kunimura, Machida, Mizuguchi, Naito, Roehrig, Shito, Stanley, Uechi, Yamada, Yap and Wakatsuki.

A concurrent resolution (H.C.R. No. 113) requesting that Kalaupapa residents be permitted to remain as residents was jointly offered by Representatives Santos, Kondo and Segawa.

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

The House of Representatives reconvened at 11:44 o'clock a.m.

At this time, Representative Kimura made the following motion:

"I move that all Standing Committee Reports laying on the Clerk's desk by 4 o'clock p.m. today be adopted and all House Bills accompanying said Standing Committee Reports be placed on the calendar for Third Reading or pass Second Reading and thereafter be placed on the calendar for Third Reading as recommended in the Committee Reports."

The motion was seconded by Representative Soares and carried.

The Chair then made the following announcement:

"All photos should be turned into the Clerk's office by 1:30 this afternoon."

At 11:45 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this evening.

#### EVENING SESSION

The House of Representatives reconvened at 5:02 o'clock p.m.

#### STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 517 to 579) were received in the Chief Clerk's Office up to 4:00 p.m. this legislative day and in accordance with a motion made earlier, the reports of the Committees were adopted and all House bills accompanying said Standing Committee Reports were placed on the calendar for Third Reading or passed Second Reading and thereafter were placed on the calendar for Third Reading as recommended in the Committee reports:

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1766 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 1758 pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 1597 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 1820 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representatives Takamura and Shito, for the Committees on Youth and Elderly Affairs and Housing, presented a joint report (Stand. Com. Rep. No. 521) recommending that H.B. No. 815 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection,

presented a joint report (Stand. Com. Rep. No. 522) recommending that H.B. No. 92 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1572 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 1839 pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 1746, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 1294 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 1312 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 1778 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 1340 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1779, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 801 pass Third Reading.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 857, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 374 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 990 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1884 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 996, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 597 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1740, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 321, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 97, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 318, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 482 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 277, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 399, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 453, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1732, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 161, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 1256, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 165, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 378 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 379 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 1596 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 1886 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1508, HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 688, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 1831 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 814 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 1742, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 714, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 639, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 934, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 239, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 1798, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No.

867, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1458 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1799, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 1842, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 866 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 1117, HD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1344 pass Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 608 pass Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 1867, HD 1, pass Third Reading.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 516, HD 1, pass Third Reading with certain amendments.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 1056 pass Second Reading and be placed on the calendar for Third Reading with

certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 178, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 576) that H.B. No. 499 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 850 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 141 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1840 pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the foregoing House bills to be placed on the calendar for Third Reading.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 461 on H.B. No. 452 (Deferred from March 11, 1975):

On motion by Representative Sakima, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 452, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 462 on H.B. No. 431, HD 1 (Deferred from March 11, 1975):

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 431, HD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 495 on H.B. No. 67, HD 1 (Deferred from March 11, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 67, HD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 496 on H.B. No. 62, HD 1 (Deferred from March 11, 1975):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 62, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Takamura requested that the following statement be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of H.B. 62, HD 1. This bill creates an Executive Office on Aging within the Governor's office and abolishes the State Commission on Aging. It is supported by virtually every senior citizen's group in the State, as well as by every government agency dealing with senior citizens, including the Commission on Aging.

The programs and services available to the elderly are inadequate and fragmented; they are continually locked in conflicts between state, local and federal regulations and standards; inadequate outreach prevents many senior citizens, who could benefit from programs the most, from ever making use of them.

H.B. 62, HD 1, mandates the Executive Office on Aging to correct these problems, and gives the office the authority, structure and funds to get the job done. Accountability is ensured by assigning clear responsibility at both state and county levels, and responsiveness to the elderly is assured by building in meaningful senior citizen participation at both levels.

H.B. 62, HD 1, will improve the quality of life for the elderly in Hawaii by providing them with a single, powerful voice to speak in their behalf. I therefore urge the members of the House to join me in support of H.B. 62, HD 1."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 62, HD 1 passed Third Reading by a vote of 46 ayes, with Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 497 on H.B. No. 40, HD 2 (Deferred from March 11, 1975):

On motion by Representative Kawakami, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 40, HD 2, having been read throughout, passed Third Reading by a vote of 46 ayes, which is not less than two-thirds of the members to which the House is entitled, with Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 498 on H.B. No. 100, HD 1 (Deferred from March 11, 1975):

Representative Machida moved that the report of the Committee be adopted and that H.B. No. 100, HD 1, having been read throughout, pass Third Reading, seconded by Representative Suwa.

Representative Machida then stated:

"Mr. Speaker, I arise to speak in favor of House Bill 100, House Draft 1.

Hawaii has been a tourist destination for well over 100 years . . . yet, in all that time the various governments of Hawaii have not seen fit to give the tourist industry guidance

and direction . . . this may well be understandable, for the tourist of past decades was more a curiosity than a contributor to the community. Today, however, visitors generate more than \$1 billion income and thus directly affects the lives of each and every one of us.

It is the purpose of House Bill 100, House Draft 1, Mr. Speaker, to give the visitor industry the guidance which will insure the quality of life for all our residents . . . and to provide the protection which will insure the tourist an enjoyable stay in our islands.

The bill will establish an Office of Tourism within the Department of Planning and Economic Development where coordination and direction will take place. The bill also provides for the creation of a Visitor Industry Council which will be able to provide the necessary technical assistance and advice. Perhaps most important, however, the Bill mandates the drafting of a comprehensive 10-year controlled plan to insure that tourism follows the direction willed by the people.

Support for this bill, Mr. Speaker, represents a commitment to the preservation and enhancement of this vital industry. I encourage this honorable body to pass House Bill 100, House Draft 1 on Third Reading."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 100, HD 1 passed Third Reading by a vote of 44 ayes to 2 noes, with Representatives Carroll and Sutton voting no, and Representatives Hakoda, Ikeda, Kunimura, Segawa and Takamura being excused.

Stand. Com. Rep. No. 499 on H.B. No. 24, HD 2 (Deferred from March 11, 1975):

On motion by Representative Sakima, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 24, HD 2, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

Stand. Com. Rep. No. 509 on

H.B. No. 481 (Deferred from March 11, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 481, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

Stand. Com. Rep. No. 510 on H.B. No. 1873, HD 1 (Deferred from March 11, 1975):

On motion by Representative Yamada, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 1873, HD 1, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

Stand. Com. Rep. No. 511 on H.B. No. 35, HD 2 (Deferred from March 11, 1975):

Representative Stanley moved that the report of the Committee be adopted and that H.B. No. 35, HD 2, having been read throughout, pass Third Reading, seconded by Representative Suwa.

Representative Stanley then rose to speak in favor of the bill.

"Earlier this year, as we, in this honorable body, began to set our directions, we pledged that economic security was a matter of right for all our people. We further pledged to provide for the old, the disabled, the blind, children and mothers of young children.

House Bill 35, House Draft 2 is a step towards realizing this goal. It provides a maximum payment schedule for basic needs and shelter for those, we acknowledge, have sought the 'last resort' of public assistance. This bill seeks to restore some human dignity to our welfare system. It also seeks to make this a more equitable system by basing payments on family size. By passing this bill we will clearly establish legislative intent and direction. The Department will be able to do a better job of serving people. Discretion will be replaced with implementation.

While this bill reflects the importance

of a carefully designed welfare system, it does not, at the same time, ignore the existing community dilemmas of the lack of low cost housing units and the soaring cost of living. In the many deliberations on this bill, a humane and reasonable standard of living were earnestly sought by all parties. And it is to the credit of the community groups and Department personnel involved that we are able to vote on this matter today.

In our deliberations, we also considered the dilemma, inherent in this bill, of setting welfare benefits at a level that would discourage work. Your Committee has reached the conclusion that this bill will not discourage work nor provide more income than is needed by the recipient. We believe we have struck the correct balance in setting the level of benefits.

Mr. Speaker, may I urge my colleagues to give favorable consideration to House Bill 35, HD 2. This bill asserts our intentions to restore humanity, equity, and sensitivity to our public assistance system.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 35, HD 2, passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

Stand. Com. Rep. No. 512 on H.B. No. 83, HD 1 (Deferred from March 11, 1975):

On motion by Representative Uechi, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 83, HD 1, having been read throughout, passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Poepe and Soares voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

Stand. Com. Rep. No. 516 on H.B. No. 610 (Deferred from March 11, 1975):

On motion by Representative Roehrig, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 610, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa 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. 1849, HD 1

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1849, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

#### H.B. No. 1848, HD 1

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1848, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

#### H.B. No. 1413

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 1413 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

#### H.B. No. 1183, HD 1

On motion by Representative Yamada, seconded by Representative Yap and carried, H.B. No. 1183, HD 1 was recommitted to the Committee on Consumer Protection and Commerce.

#### H.B. No. 1755, HD 1

Representative Yamada moved that H.B. No. 1755, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Abercrombie then rose and stated:

"While I find the intent of H.B. No. 1755, HD 1, laudible, I fear that there may be some difficulties for homeowners in districts like Makiki, and for that reason, I would

like to see this bill defeated until further study could be made."

The motion was put by the Chair and H.B. No. 1755, HD 1 passed Third Reading by a vote of 39 ayes to 8 noes, with Representatives Abercrombie, Carroll, Cayetano, Cobb, Kawakami, Peters, Roehrig and Takamura, voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 1672, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1672, HD 1 passed Third Reading by a vote of 46 ayes to 1 no, with Representative Amaral voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 1875, HD 1

Representative Yamada moved that H.B. No. 1875, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Abercrombie then rose and stated:

"Inasmuch as this bill, H.B. No. 1875, HD 1, also comes from the Consumer Protection Committee and I had to cast a 'no' vote before, it gives me great pleasure to cast a 'yes' vote this time because I think the implications of this bill are laudible for everyone in the State, and I congratulate the Chairman of Consumer Protection and Commerce for bringing this bill forward with his Committee."

The motion was put by the Chair and H.B. No. 1875, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 1427

On motion by Representative Cayetano, seconded by Representative Kiyabu, H.B. No. 1427 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 1871, HD 1

Representative Cayetano moved that action on H.B. No. 1871, HD 1

be deferred until the end of the calendar, and the Chair noting that there were no objections, so ordered.

H.B. No. 1428, HD 1

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, H.B. No. 1428, HD 1 was recommitted to the Committee on Energy and Transportation.

H.B. No. 1801, HD 1

On motion by Representative Cayetano, seconded by Representative Kiyabu, H.B. No. 1801, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 1249

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 1249 was recommitted to the Committee on Judiciary.

H.B. No. 571

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 571 was recommitted to the Committee on Judiciary.

H.B. No. 1754, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 1754, HD 1 was recommitted to the Committee on Judiciary.

Representative Roehrig then made the following statement regarding recommittal of the previous three bills:

"H.B. No. 1249 - Senate bill has come over; as far as the next bill is concerned, there are concerns of the members; as far as the roving musicians, it appears as though they are going to have to rove without our assistance for at least another year."

Representative Abercrombie then rose and stated:

"I would like to say in respect to H.B. No. 1754, Street Musicians, that hopefully a resolution will be brought forth that maybe could meet some of the questions that were raised in connection with the bill, and hopefully, at that time,

we may reconsider this particular action."

H.B. No. 929, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 929, HD 1 passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Peters and Shito voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 646

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 646 passed Third Reading by a vote of 42 ayes to 5 noes, with Representatives Abercrombie, Cobb, Naito, Peters and Stanley voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 445

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 445 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 846

Representative Roehrig moved that H.B. No. 846, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Garcia then rose to speak in favor of the bill:

"Mr. Speaker, although the increase for the marriage license is only a few dollars, I would like to hope that the Committee would look at this bill next year and contemplate increasing the fee to maybe \$1,000 to \$2,000."

Representative Soares then rose on a point of information:

"Would the previous speaker, Vice-Speaker, yield to a question?"

Representative Garcia replied in the negative.

The motion was put by the Chair and H.B. No. 846 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa

being excused.

H.B. No. 822, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 822, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 103

Representative Roehrig moved that H.B. No. 103, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Carroll then rose and stated:

"I rise to speak in favor of the bill, very briefly.

This bill is good. We need, I think, to increase the penalties for those persons committing offenses relative to drug sales. There is one deficiency in the bill, and that is that, I think, it should have set a minimum term. I trust that we will get to that on the next session and I urge every one to vote 'aye'.

Thank you."

The motion was put by the Chair and H.B. No. 103 passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Abercrombie and Stanley voting no, and Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 377

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 377 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Kunimura and Segawa being excused.

H.B. No. 821, HD 1

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 821, HD 1 passed Third Reading by a vote of 47 ayes, with Representatives Hakoda, Ikeda, Segawa and Sutton being excused.

At 5:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:25 o'clock p.m.

H.B. No. 1354

Representative Lee moved that H.B. No. 1354, having been read throughout, pass Third Reading, seconded by Representative Takamine.

Representative Lee then offered the following amendment to H.B. No. 1354:

"H.B. No. 1354 is amended by deleting the word and underscoring 'Two' in line 19 of page 2 thereof and deleting also all brackets in lines 19 and 21 of page 2 thereof."

Representative Lee moved that the amendment be adopted, seconded by Representative Takamine.

Representative Lee then explained the amendment as follows:

"The amendment deletes and the underscoring of 'Two'. In other words, returns that section back to its original way that the law is written."

Representative Abercrombie then rose and stated:

"In relation to this bill on HPERB, I think that everyone in the chamber should make themselves aware of the tremendous power that HPERB has. . . . if we all know. . . ."

The Chair interrupted and stated:

"Representative Abercrombie, the motion on the floor is to adopt the amendment, not to pass the bill at this time."

Representative Abercrombie replied:

"Yes, I understand that."

The Chair then asked:

"Are you speaking on the amendment?"

Representative Abercrombie then stated:

"Yes. I can incorporate my remarks later, if you wish. It's all connected, but I can incorporate them later."

The Chair then "requested that he do so at the proper time."

At 5:26 o'clock p.m., the Chair

declared a recess, subject to the call of the Chair.

Upon reconvening at 5:27 o'clock p.m., the motion was put by the Chair and carried and the amendment was adopted by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

By unanimous consent, further action on H.B. No. 1354, as amended, was deferred until tomorrow, March 13, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1354, HD 1, were made available to the members of the House at 5:27 o'clock p.m.

H.B. No. 1408

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1408 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 126, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 126, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1782, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 1782, HD 1 was recommitted to the Committee on Judiciary.

H.B. No. 1890, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 1890, HD 1 passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Cobb and Naito voting no, and Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1900, HD 1

Representative Shito moved that H.B. No. 1900, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Shito then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 1900.

House Bill 1900 amends Section 46-15 of the Hawaii Revised Statutes by eliminating the provisions which enables the counties to designate lands for experimental and demonstration housing if those lands are contiguous or adjacent to a presently zoned urban area.

The intent of this bill is to prevent the significant circumvention of this statute by closing a loophole that now exists. Section 46-15, unless amended, presently enables the counties to develop experimental and demonstration housing projects on agricultural and conservation districts without regard to the Land Use Law, as long as the project is contiguous or adjacent to an existing urban area.

The problem is that more so than ever today, we are concerned with preserving our prime agricultural lands, and insuring that Hawaii's limited and valuable lands not be used for short-term economic gain. By having this statute remain as written, we risk the chance of losing those agricultural lands as well as open ourselves up for a greater degree of short-term speculation.

The needs for additional housing are apparent and great. But in the pursuit of providing homes for the citizenry of our State, let us not do so at the sacrifice of our agricultural lands.

In closing my remarks, I would like to extend a word to the counties about their relation to this bill. I commend all efforts by the counties in establishing and implementing housing projects. It is not the objective of this bill to retard or disrupt any part or whole of the counties' housing programs, rather, it is to insure that the adequate controls are present where housing projects may utilize prime agricultural or conservation lands.

I urge all members of this honorable body to vote in favor of House Bill 1900.

Thank you."

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

"I wish to thank the Chairman

of the Housing Committee for being a watchdog on the proper use of land in the State."

The motion was put by the Chair and H.B. No. 1900 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

#### H.B. No. 1887

On motion by Representative Shito, seconded by Representative Cayetano, H.B. No. 1887 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

#### H.B. No. 1426, HD 1

Representative Shito moved that H.B. No. 1426, HD 1 be recommitted to the Committee on Housing, seconded by Representative Cayetano.

Representative Carroll then rose and stated:

"Mr. Speaker, there are several bills relating to landlord-tenant and I would like to ask for a ruling for any of us who are landlords - I believe we have several."

The Chair then stated that "when the proper time comes, the Chair will rule, Representative Carroll".

The motion was put by the Chair and carried and H.B. No. 1426, HD 1 was recommitted to the Committee on Housing.

#### H.B. No. 10

Representative Suwa moved that H.B. No. 10, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Cobb then rose and stated:

"Mr. Speaker, just a brief compliment to the Chairman of the Finance Committee for moving this particular measure, because I view it as one of the most significant bills to pass this session and will allow us, for the first time in almost a decade, to pass a budget that will entail some real legislative controls. I think every member of this House should take into account the fact that once, now, this becomes law, assuming it passes the Senate, budgetary decisions we make will establish some real accountability not only for ourselves but for the

administration as well. Thank you."

The motion was put by the Chair and H.B. No. 10 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1113

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 1113 passed Third Reading by a vote of 47 ayes to 1 no, with Representative Sutton voting no, and Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 385

Representative Naito moved that H.B. No. 385, having been read throughout, pass Third Reading, seconded by Representative Kondo.

Representative Abercrombie then rose and stated:

"Mr. Speaker, as you know, H.B. No. 385 from the Committee on Health, permits the sale of prophylactics in vending machines and I want to indicate to the whole House, who is now privileged to be in our caucus, that the Health Committee has assured us that there are no holes in this bill."

Representative Roehrig then rose and stated:

"I'd like to say that Representative Abercrombie is stretching this too far."

Representative Soares then stated:

"Mr. Speaker, I was gonna say that seeing that this bill was full proof . . . but I'd call for the vote."

Representative Carroll then rose and stated:

"Representative Roehrig remembered my remarks from last year."

The motion was put by the Chair and H.B. No. 385 passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Amaral, Evans, Ho, Kamalii, Kihano, Medeiros, Poepoe, Soares, Sutton and Uechi voting no, and

Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 999, HD 1

Representative Naito moved that H.B. No. 999, HD 1 be deferred one day and the Chair, noting that there were no objections, so ordered.

H.B. No. 455, HD 1

On motion by Representative Sakima, seconded by Representative Takamura, H.B. No. 455, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 55, HD 1

On motion by Representative Shito, seconded by Representative Cayetano, H.B. No. 55, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1450

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1450 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 622, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 622, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1843, HD 1

Representative Yamada moved that H.B. No. 1843, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Carroll then rose and stated that he was a landlord of two rental homes and two rental apartments 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 that Representative Carroll was not excused from voting on this measure.

The motion was put by the Chair and H.B. No. 1843, HD 1 passed

Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

At 5:41 o'clock p.m. the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:43 o'clock p.m.

H.B. No. 95, HD 1

On motion by Representative Kawakami, seconded by Representative Suwa, H.B. No. 95, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1571, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1571, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1756, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1756, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1874, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1874, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 313

On motion by Representative Sakima, seconded by Representative Suwa, H.B. No. 313 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 37, HD 1

On motion by Representative Blair, seconded by Representative Suwa, H.B. No. 37, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 66, HD 1

On motion by Representative

Takamura, seconded by Representative Suwa, H.B. No. 66, HD 1 passed Third Reading by a vote of 48 ayes, with Representatives Hakoda, Ikeda and Segawa being excused.

At 5:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:30 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 258:

Representative Roehrig moved that H.B. No. 258, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment to H.B. No. 258:

"SECTION 1. House Bill 258 is amended by amending lines 6 to 11 to read:

'of any person,) he knowingly exposes his genitals (to a person to whom he is not married under circumstances in which his conduct is likely to cause affront or alarm.) in a public place where he is likely to be seen by others, with the intent to offend the community's common sense of decency, propriety, and morality.'"

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

Representative Roehrig then offered the following explanation of the amendment:

"The essence of the amendment is that it adds one word on line 6 of this measure after the 'he', it adds the word 'knowingly.'"

The motion was put by the Chair and carried and the amendment was adopted by a vote of 46 ayes to 2 noes, with Representatives Abercrombie and Yuen voting no, and Representatives Hakoda, Ikeda and Segawa being excused.

By unanimous consent, further action on H.B. No. 258, as amended, was deferred until tomorrow, March 13, 1975, and in accordance with

Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 258, HD 1, were made available to the members of the House at 6:30 o'clock p.m.

H.B. No. 1792, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 1792, HD 1 was recommitted to the Committee on Judiciary.

H.B. No. 363, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 363, HD 1 passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Kiyabu, Roehrig, Shito and Yuen voting no, and Representatives Hakoda, Ikeda and Segawa being excused.

H.B. No. 1871, HD 1:

Representative Cayetano moved that H.B. No. 1871, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kiyabu.

Representative Roehrig then offered the following amendment to H.B. No. 1871, HD 1:

"Section 1 of H.B. No. 1871, HD 1, is amended as follows:

1. Sec. \_\_\_\_\_-3(1)(D) on page 4 thereof is deleted:

(' (D) Allowing the counties to be exempt from all or portions of a State plan and to operate petroleum product distribution plans tailored to their own specific needs.')

2. Subsection numbers '(E)' and '(F)' of Sec. \_\_\_\_\_-3(1) are renumbered '(D)' and '(E)', respectively.

3. A new Sec. \_\_\_\_\_-11 is added at the end thereof to read as follows:

'Sec. \_\_\_\_\_-11 Exemption. Any county, which has under its charter the right to declare an emergency and the power to carry out a plan to cope with the emergency, shall be exempt from all or portions of a State plan as the county may determine. Any county so exempt may operate petroleum product distribution plans tailored to its

own specific needs and shall coordinate its operation in consonance with the governor's exercise of his authority in the control and distribution and sale of petroleum products under the State plan.' "

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

Representative Roehrig then offered the following explanation of the amendment:

"Mr. Speaker, the amendment merely provides that counties that have a provision in their Charter to declare emergencies in order to carry out a fuel rationing system will be allowed to do so to meet local conditions in the event that there is a state-wide emergency plan and that this will be done in coordination and in confidence with the Governor's exercise in authority."

The motion was put by the Chair and carried and the amendment was adopted by a vote of 46 ayes to 2 noes, with Representatives Peters and Yuen voting no, and Representatives Hakoda, Ikeda and Segawa being excused.

By unanimous consent, further action on H.B. No. 1871, HD 1, as amended, was deferred until tomorrow, March 13, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1871, HD 2, were made available to the members of the House at 6:35 o'clock p.m.

At 6:38 o'clock p.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:41 o'clock p.m.

The Chair directed the Clerk to note that the following bills passed Third Reading at the designated times: H.B. No. 419 at 11:18 o'clock a.m.; H.B. Nos. 452 and 431 at 5:03 o'clock p.m.; H.B. Nos. 67, 62 and 40 at 5:04 o'clock p.m.; H.B. No. 100 at 5:06 o'clock p.m.; H.B. Nos. 24 and 481 at 5:07 o'clock p.m.; H.B. No. 1873 at 5:08 o'clock p.m.; H.B. Nos. 35 and 83 at 5:11 o'clock p.m.; H.B. No. 610 at 5:12 o'clock p.m.; H.B. Nos. 1849, 1848 and 1413 at 5:13 o'clock p.m.;

H.B. Nos. 1755 and 1672 at 5:15 o'clock p.m.; H.B. Nos. 1875 and 1427 at 5:16 o'clock p.m.; H.B. No. 1801 at 5:17 o'clock p.m.; H.B. Nos. 929, 646 and 445 at 5:20 o'clock p.m.; H.B. No. 846 at 5:21 o'clock p.m.; H.B. Nos. 822 and 103 at 5:22 o'clock p.m.; H.B. Nos. 377 and 821 at 5:23 o'clock p.m.; H.B. Nos. 1408 and 126 at 5:30 o'clock p.m.; H.B. No. 1890 at 5:31 o'clock p.m.; H.B. No. 1900 at 5:34 o'clock p.m.; H.B. No. 1887 at 5:35 o'clock p.m.; H.B. Nos. 10 and 1113 at 5:36 o'clock p.m.; H.B. No. 385 at 5:38 o'clock p.m.; H.B. No. 455 at 5:39 o'clock

p.m.; H.B. Nos. 55, 1450 and 622 at 5:40 o'clock p.m.; H.B. Nos. 1843 and 95 at 5:43 o'clock p.m.; H.B. Nos. 1571, 1756 and 1874 at 5:44 o'clock p.m.; H.B. Nos. 313, 37 and 66 at 5:45 o'clock p.m.; and H.B. Nos. 363 and 1871 at 6:35 o'clock p.m.

#### ADJOURNMENT

At 6:41 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Thursday, March 13, 1975.