

FORTY-FIRST DAY

Thursday, March 13, 1975

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Alfred F. Rebuldela of Our Lady of the Mount Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fortieth Day.

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

Senator Taira introduced 75 students from the Fourth Grade at Maemae Elementary School, with their teachers, Mrs. Karen Hamada and Mrs. Barbara Lee.

Senator Hulten then introduced 50 students from the Eighth Grade at Kailua Intermediate School, with their teacher, Mrs. Schultz and parents, Mrs. Hadwin and Mrs. Bishop.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 79), transmitting the cost items for the collective bargaining agreement which has been negotiated with the Nonprofessional Hospital and Institutional Workers, Unit 10, and the cost items for units included in the Governor's Executive Budget which require ratification by the Eighth State Legislature, was read by the Clerk and was referred to the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 171 to 219), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 171), transmitting House Bill No. 10, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 10, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROLS TO BE EXERCISED IN

THE EXECUTION OF THE BUDGET AND OTHER PROGRAM APPROPRIATIONS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 172), transmitting House Bill No. 24, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 24, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT FINANCIAL AID", passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 173), transmitting House Bill No. 35, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 35, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 174), transmitting House Bill No. 37, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 37, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SERVICE MEDIA ANNOUNCEMENTS", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 175), transmitting House Bill No. 40, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 40, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR ACQUISITION OF LANDS FOR PUBLIC RIGHTS-OF-WAY AND PUBLIC TRANSIT CORRIDORS", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 176), transmitting House Bill No. 55, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 55, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LEASE RENT RENEGOTIATION RELIEF ACT", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 177), transmitting House Bill No. 62, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 62, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY AFFAIRS", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 178), transmitting House Bill No. 66, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 66, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH SERVICES FOR THE ELDERLY", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 179), transmitting House Bill No. 67, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 67, H.D. 1, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED OUTREACH SERVICES", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 180), transmitting House Bill No. 83, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING THE ORGANIZATION AND COORDINATION OF AGRICULTURAL PROGRAMS AND PROGRAMS RELATED TO AGRICULTURE", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 181), transmitting House Bill No. 95, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 95, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WATER RESOURCES RESEARCH AND DEVELOPMENT AT WEST LOCH, PEARL HARBOR, OAHU", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 182), transmitting House Bill No. 100, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF TOURISM", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 183), transmitting House Bill No. 103, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 103, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR PROMOTING HARMFUL DRUGS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 184), transmitting House Bill No. 126, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 126, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", passed First Reading by title and was referred to the Committee on Government Operations and Efficiency, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 313, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 313, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIVERSITY OF HAWAII SPECIAL PROGRAMS", passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 363, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF TRAVEL AGENCIES", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 377, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried,

H.B. No. 377, entitled: "A BILL FOR AN ACT RELATING TO USE OF ARMORIES, MILITARY RESERVATIONS AND OTHER MILITARY INSTALLATIONS", passed First Reading by title and was referred to the Committee on Military and Civil Defense, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 188), transmitting House Bill No. 385, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 385, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF PROPHYLACTICS IN VENDING MACHINES", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 189), transmitting House Bill No. 431, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 431, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CLAIMS FOR REIMBURSEMENT OF PUBLIC ASSISTANCE PAYMENTS", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 445, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 445, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 191), transmitting House Bill No. 452, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 452, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AND REPEALING STATUTORY PROVISIONS PROVIDING

FOR THE LAND STUDY PROGRAM AND THE ECONOMIC RESEARCH CENTER", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 455, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 455, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLEGE CREDIT EQUIVALENCY PROGRAM", passed First Reading by title and was referred to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 481, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 481, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL AIR PATROL", passed First Reading by title and was referred to the Committee on Military and Civil Defense, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 610, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 610, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 622, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 622, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed First Reading by title and was referred to the Committee on Consumer Protection,

then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 646, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 646, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 821, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 821, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ANTITRUST EXEMPTION FOR NEWSPAPERS", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 198), transmitting House Bill No. 822, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 822, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 846, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 846, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSES", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 200), transmitting House Bill No. 929, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 929, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 201), transmitting House Bill No. 1113, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 202), transmitting House Bill No. 1408, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1408, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS AND VENUE OF THE DISTRICT COURTS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 203), transmitting House Bill No. 1413, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1413, entitled: "A BILL FOR AN ACT RELATING TO FEES AND ACTIONS FOR RECOVERY OF LOSS OF LAND", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 204), transmitting House Bill No. 1427, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1427, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF A STATEWIDE TRANSPORTATION

COUNCIL AND A STATEWIDE TRANSPORTATION PLANNING PROGRAM", passed First Reading and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 205), transmitting House Bill No. 1450, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1450, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AUTHORITY, PRE-NEED FUNERAL AUTHORITY AND CEMETERY SALESMAN", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 206), transmitting House Bill No. 1571, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1571, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 207), transmitting House Bill No. 1672, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1672, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUMIGATION AND PEST CONTROL", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 208), transmitting House Bill No. 1755, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1755, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed First Reading and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 209), transmitting House Bill No. 1756, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1756, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 210), transmitting House Bill No. 1801, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS", passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 211), transmitting House Bill No. 1843, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1843, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 212), transmitting House Bill No. 1848, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1848, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PESTICIDES LAW", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Judiciary.

A communication from the House

(Hse. Com. No. 213), transmitting House Bill No. 1849, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1849, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL AND ERADICATION OF NOXIOUS WEEDS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 214), transmitting House Bill No. 1873, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1873, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWAL OF LICENSE FOR PROFESSIONAL AND VOCATIONAL LICENSES", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 215), transmitting House Bill No. 1874, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1874, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 216), transmitting House Bill No. 1875, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1875, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 217), transmitting House Bill No. 1887, H.D. 1, which passed Third Reading in the House

of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1887, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTANCE TO DISPLACED PERSONS", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 218), transmitting House Bill No. 1890, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1890, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 219), transmitting House Bill No. 1900, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1900, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPERIMENTAL AND DEMONSTRATION HOUSING PROJECTS", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 99), entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING MARCH 5 OF EVERY YEAR AS IMMIGRATION MEMORIAL DAY OF THE FILIPINO FEDERATION OF AMERICA", was jointly offered by Senators Ushijima, Yamasaki, F. Wong, Takitani, Yim, Taira, Kawasaki, Hara, Ching, Kuroda, Young, Chong, Toyofuku, Nishimura, Rohlfing, Saiki, Leopold, Yee, Henderson, Hulten, George, Anderson, O'Connor and R. Wong, and was read by the Clerk.

On motion by Senator Yamasaki, seconded by Senator Hara and carried, S.C.R. No. 99 was adopted.

SENATE RESOLUTION

A resolution (S.R. No. 324), entitled: "SENATE RESOLUTION

DESIGNATING MARCH 5 OF EVERY YEAR AS IMMIGRATION MEMORIAL DAY OF THE FILIPINO FEDERATION OF AMERICA", was jointly offered by Senators Ushijima, Hara, Rohlfing, Yamasaki, Anderson, Taira, Chong, King, Saiki, Yim, O'Connor, Young, Hulten, Toyofuku, F. Wong, Takitani, George, Yee, Leopold, Henderson and Nishimura, and was read by the Clerk.

On motion by Senator Yamasaki, seconded by Senator Hara and carried, S.R. No. 324 was adopted.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 632), informing the Senate that Governor's Message No. 79, Senate Resolution Nos. 322 and 323 and Standing Committee Report Nos. 573 to 631 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator Henderson and carried, the report of the Committee was adopted.

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

The Senate reconvened at 11:20 o'clock a.m.

ORDER OF THE DAY

THIRD READING

Standing Committee Report No. 562 (S.B. No. 698):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 562 was adopted and S.B. No. 698, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Rohlfing).

Senate Bill No. 608, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1566:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1566, entitled: "A BILL FOR AN ACT RELATING TO JUDICIAL OFFICES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 566 (S.B. No. 1628, S.D. 1):

On motion by Senator Toyofuku, seconded by Senator Young and carried, Stand. Com. Rep. No. 566 was adopted and S.B. No. 1628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION OF SERVICES FOR THE DEVELOPMENTALLY DISABLED", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1345, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 553, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

At 11:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:24 o'clock a.m.

Senate Bill No. 535:

Senator R. Wong moved that S.B. No. 535, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator King then rose to speak in favor of the bill as follows:

"Mr. President, although I rise to speak in favor of the measure, I would like to express a number of concerns I have. Actually, this morning, I will limit it to one concern and that is that I think we're making a mistake by not including along with the budget, a hotel room tax.

I think the Chairman of Ways and Means did an outstanding job, an incredible job as a matter of fact, in light of the time constraints, in gathering rock-solid data and urging the Committee to take the long view.

The Committee has chosen not to pass even a hotel room tax. Such a 10% hotel room tax would have brought in some \$30 million per annum to the State. Without that, we're not going to be able to fund a number of worthy programs.

In a period when hotel room taxes have risen 10% or more, the number of tourists has continued to rise as well. By raising the room prices and not having a tax, most of this money goes to the hotels. If the rise had been in taxes, it would have come to the State, and we would have been able to fund programs desperately in need of such funds.

Again, I want to commend the Chairman of the Committee on Ways and Means and his staff for the great job they did and their real attempt to take a genuinely fiscally responsible position in terms of programs.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 535, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", having been read throughout, passed Third Reading by not less than two-thirds vote of the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 572 (S.B. No. 1281, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 572 was adopted and S.B. No. 1281, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIUM JULY 1, 1975 TO JUNE 30, 1977 AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Third Reading by not less than two-thirds vote

of the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:25 o'clock a.m., the Senate stood in recess until 7:00 o'clock p.m., this evening.

EVENING SESSION

The Senate reconvened at 7:15 o'clock p.m., with all Senators present with the exception of Senator Hara who was excused.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 80 and 81), were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 80), transmitting a report entitled, "A Special Analytical Study of the Leprosy Inpatient Program in Hawaii", prepared by the Department of Health, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 81), transmitting a report prepared by the Kohala Task Force in response to Senate Resolution No. 226 (1975) with requested the Kohala Task Force and supporting agencies to submit an overall program design which reveals the total scope and future direction of North Kohala programs and projects, was referred to the Committee on Economic Development.

DEPARTMENTAL COMMUNICATION

A communication from the Superintendent, Department of Education, (Dept. Com. No. 9), transmitting the annual report of the Department of Education for 1973-1974, was read by the Clerk and was referred to the Committee on Education.

THIRD READING

Senate Bill No. 476, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, S.B. No. 476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL OBJECTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Yee). Excused, 1 (Hara).

Senate Bill No. 1645, S.D. 1:

By unanimous consent, action on S.B. No. 1645, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 115, S.D. 2:

By unanimous consent, action on S.B. No. 115, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 573 (S.B. No. 33, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 573 on S.B. No. 33, S.D.1, was deferred to the end of the calendar.

Standing Committee Report No. 574 (S.B. No. 649, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 574 on S.B. No. 649, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1556:

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, S.B. No. 1556, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Senate Bill No. 1638, S.D. 1:

By unanimous consent, action on S.B. No. 1638, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1672, S.D. 1:

Senator Kuroda moved that S.B. No. 1672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND", be recommitted to the Committee on Consumer Protection, and the President noting that there was no objection, so ordered.

Senate Bill No. 106, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, S.B. No. 106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Yamasaki and Ching). Excused, 1 (Hara).

Senate Bill No. 79, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 79, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 583 (S.B. No. 249):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 249, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 584 (S.B. No. 312, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 584 was adopted and S.B. No. 312, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF THE MOTOR CARRIER LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 585 (S.B. No. 582, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 585 on S.B. No. 582, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 586 (S.B. No. 830):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 586 was adopted and S.B. No. 830, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LITTERING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 587 (S.B. No. 1049, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 587 was adopted and S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 588 (S.B. No. 1577, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 1577, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Standing Committee Report No. 589 (S.B. No. 1665, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 589 was adopted and S.B. No. 1665, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION, MANAGEMENT AND PROTECTION OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE OR PLANTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Senate Bill No. 516, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Senate Bill No. 1050, S.D. 1:

By unanimous consent, action on S.B. No. 1050, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1051:

By unanimous consent, action on S.B. No. 1051 was deferred to the end of the calendar.

Senate Bill No. 1212, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hara).

Senate Bill No. 183, S.D. 1:

By unanimous consent, action on S.B. No. 183, S.D. 1, was deferred to the end of the calendar.

At 7:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:27 o'clock p.m., and the Chair directed the Clerk to note the presence of Senator Hara.

Senate Bill No. 607, S.D. 1:

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, S.B. No. 607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 908, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN ADDITIONAL APPROPRIATION FOR STATE PROGRAMS DURING THE FISCAL BIENNIUM JULY 1, 1975 TO JUNE 30, 1977", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 919, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE FORMAL EDUCATION PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Ayes, 25. Noes, none.

Senate Bill No. 922, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE GOVERNMENT-WIDE SUPPORT PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 923, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE INDIVIDUAL RIGHTS PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 934, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE ECONOMIC DEVELOPMENT PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 937, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 937, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE ENVIRONMENTAL PROTECTION PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 938, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE HEALTH PROGRAM", having

been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 939, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE SOCIAL PROBLEMS PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 598 (S.B. No. 360, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 598 was adopted and S.B. No. 360, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SENIOR LEGISLATIVE OBSERVER PILOT PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 599 (S.B. No. 165):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 599 was adopted and S.B. No. 165, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF MORTUARIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 600 (S.B. No. 166, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 166, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT AND OPERATIONS OF AN EXECUTIVE OFFICE ON AGING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.

601 (S.B. No. 75, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 601 was adopted and S.B. No. 75, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1634:

By unanimous consent, action on S.B. No. 1634 was deferred to the end of the calendar.

Standing Committee Report No. 603 (S.B. No. 1192, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 603 was adopted and S.B. No. 1192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE COUNTIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 604 (S.B. No. 1677, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 1677, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE SCHOLARSHIP PROGRAM OF THE UNIVERSITY OF HAWAII AND MAKING AN APPROPRIATION FOR THE STATE STUDENT INCENTIVE GRANT PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 605 (S.B. No. 1099, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 1099, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF INTERESTS IN LAND", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.
606 (S.B. No. 24, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 606 was adopted and S.B. No. 24, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Standing Committee Report No.
607 (S.B. No. 42, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 606 be adopted and that S.B. No. 42, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Yamasaki then rose to speak for the bill as follows:

"Mr. President, I believe that the shorelines of this State should be adequately protected, as the shoreline with our white and black sand beaches is the most important natural asset that Hawaii has.

Although I support the concept of this bill, there are important areas in the bill on which I am very much concerned.

First, it appears to me that under the amended version of this bill, the jurisdiction for protection and management of the shoreline or coastal area, runs from the sea to the mountain without any limitation and it goes way beyond the California statutes. With a limited land area that we have here in Hawaii, this will create an undue hardship to property owners.

Secondly, on Page 4, Section 4, under policy guideline 4, the words 'alterations to existing land forms and vegetation', I conclude that this covers all of our sugar cane lands and crops and including pineapple lands adjacent to our coastal areas under the meaning of existing land forms and vegetation. This would certainly cover all of the islands of Hawaii, Maui, Oahu, Kauai, Lanai and Molokai, and our agricultural industries may be severely affected if the language in the bill is not altered.

Finally, if only developments not in excess of \$25,000 are to be

allowed or become permissible without a hearing by either the County Council or the county planning commission, I believe that this requirement is unreasonable. Land value and cost of material and labor for a new dwelling will easily exceed \$25,000 and therefore this ceiling is much too low.

Therefore, Mr. President, I ask that a careful review be made, possibly in conference so that we can all live with it.

For these reasons, Mr. President, I signed the Committee Report 'I do not concur' to focus the attention of this body to these concerns.

I am certain that language can be properly amended, and with these remarks, Mr. President, I urge an Aye vote by this body on this bill.

Thank you."

Senator Ching then rose to speak for the bill as follows:

"Mr. President, I rise to speak on behalf of the bill but I do share Senator Yamasaki's concerns as to the alterations to existing land forms and vegetation clause found on page 5.

I am sorry that this matter was not brought up during the discussions on the bill itself. I'm sure that it can be cleared up in conference.

The other point I'd like to speak about is when this bill left the Committee on Ecology, Environment and Recreation, there were monetary amounts added on to Section 2. I think that without these amounts--I realize that it is being sent over and will be a matter of conference as far as the Body across the way is concerned--It is my sincere wish that when it does come back that the substantial amount that was found in Section 2 will be put back into the bill, even exceeded by Senate Draft 1.

I support the bill on that basis and if it comes back without any money, my vote might be different."

Senator Hara then requested a ruling of the Chair as to a possible conflict as he represents a trustee of a certain holding organization for some property along the shoreline.

The Chair ruled that there was no conflict and Senator Hara was allowed to vote.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 607 was adopted and S.B. No. 42, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SHORELINE PROTECTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 7:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:42 o'clock p.m.

Standing Committee Report No. 609 (S.B. No. 613, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 609 was adopted and S.B. No. 613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY COUNSELORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 610 (S.B. No. 348, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 348, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF CHILDREN", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson and Yee).

Standing Committee Report No. 611 (S.B. No. 1046, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL FEE SCHEDULES UNDER PUBLIC ASSISTANCE PROGRAMS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 612 (S.B. No. 1405, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 1405, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE SERVICES FOR THE ELDERLY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 613 (S.B. No. 315, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 613 was adopted and S.B. No. 315, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CLAIMS FOR REIMBURSEMENT OF PUBLIC ASSISTANCE PAYMENTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 614 (S.B. No. 314, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 314, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 615 (S.B. No. 316):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 316, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE FOR MEDICAL CARE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Yee).

House Bill No. 1188:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 1188, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF HAMILTON LIBRARY, PHASE II, AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS, AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION

BONDS", having been read throughout, passed Third Reading by not less than two-thirds of the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 617 (S.B. No. 1326, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 617 was adopted and S.B. No. 1326, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF COLLECTIVE BARGAINING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 618 (S.B. No. 637, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 619 (S.B. No. 142):

By unanimous consent, action on Stand. Com. Rep. No. 619 on S.B. No. 142 was deferred to the end of the calendar.

Standing Committee Report No. 620 (S.B. No. 846, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 846, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNUAL SALARY INCREMENT AND LONGEVITY PAY INCREASES AND AMENDING CHAPTER 89, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Standing Committee Report No. 621 (S.B. No. 714, S.D. 1):

On motion by Senator Nishimura,

seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 714, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND READJUSTMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 622 (S.B. No. 875, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 875, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 623 (S.B. No. 1543, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 1543, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS AND THE ACQUISITION BY THE STATE THROUGH CONDEMNATION OF LANDS IN FEE SIMPLE AND THE DISPOSITION THEREOF", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 624 (S.B. No. 1637):

By unanimous consent, action on Stand. Com. Rep. No. 624 on S.B. No. 1637 was deferred to the end of the calendar.

Senate Bill No. 591, S.D. 2:

By unanimous consent, action on S.B. No. 591, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 1303:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1303, entitled: "A BILL FOR AN ACT RELATING TO THE LIEN ON PERSONALTY FOR WORK DONE AND MATERIALS FURNISHED", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 162, S.D. 2:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 162, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID FOR THE HAWAII BOUND SCHOOL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 628 (S.B. No. 19, S.D. 2):

Senator Nishimura moved that Stand. Com. Rep. No. 628 be adopted and that S.B. No. 19, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Rohlfing then rose to ask if the Chairman of the Committee on Judiciary would yield to a question, to which Senator Nishimura replied in the negative.

Senator Rohlfing then spoke for the bill and in doing so incorporated the three bills on the agenda; namely, S.B. No. 19, S.D. 2, S.B. No. 398, S.D. 1 and S.B. No. 1200, S.D. 2 as follows:

"Mr. President, in my judgment the 'package' before us is incomplete and inadequate.

Senate Bill No. 398 requires a lessor to compensate the lessee for his improvements upon termination of the lease. This was a provision in the 'Lessee's Bill of Rights' which I introduced over 10 years ago and which was cut in the final bargaining over Act 307. Fine, I'll buy it.

But this is an escape valve only and we have to recognize that it may only be upheld constitutionally as to leases executed after the bill becomes law. In other words, it may be of no help to today's 27,000 leasehold properties.

Senate Bill 19 and Senate Bill 1200 are more meaningful. Senate Bill 19 attempts to roll back lease rental on all renegotiations since mid 1967. This, of course, would be beneficial to lessees, but I personally seriously question whether it will be upheld in any court of law. In fact, it is very questionable whether any lease rental control by a formula as proposed in this Bill can be applied to existing leases.

Senate Bill No. 1200 does some good things by simplifying the 5 acre requirement for conversion and by permitting purchase of the reversionary interest. It also tinkers with the method for computing the compensation to be accorded a lessor on condemnation. This could be an exercise in futility because of a court of law will decide whether just compensation has been paid as required by the Fifth Amendment to the Constitution.

That's the extent of the 'package' -- Let's look at what it doesn't do.

Nowhere does it provide a means of assisting the homeowner in his ultimate problem... how to pay the bill. That is, after he has leaped the legal hurdles to even have the right to do so. You could have filled that hole very nicely by passing my amendment last night. And unlike the distinguished Majority Senator from the Third District, I think that was a very significant omission.

Nowhere in this Senate package, is there any money for the condemnation test case which got headlines last week, because Senate Bill No. 22 was assassinated in its crib last night.

Nowhere is there authorization or encouragement for State retirement system or other financial institutions of the State to buy the bonds authorized by Act 307, a fact which has held up the Act's implementation for seven years.

Nowhere in this Senate package is there any relief from the burden of real property taxes currently imposed on lessees. Under any scenario there are going to be people who will continue to lease.

Nor is there any assistance in forming a legal entity to simplify direct negotiations for purchase of the fee interest with a landowner who has an affirmative IRS ruling in his pocket for a partial liquidation and is willing to sell. Nor is there such an entity to make dealing with the HHA and the landowner more expeditious under Act 307.

Nowhere in the Senate package is there any attention to the anti-trust which might provide an alternative means of obtaining an 'involuntary' sale.

Legislative vehicles for all these gaps have been introduced into this Senate. My amendments last

night were a combination of three bills which would have filled the most important of these pukas. Bills, I might add, which the Third District Majority Senator saw fit to sign even though he then said they are now unnecessary and of no value.

Mr. President, if it were late in December, I'd say that this Christmas will be in the honor of Scrooge. The package under the tree is small, threadbare, and worn. That is the case, Mr. President, because a few in this body decided they knew it best. They didn't need the talents of all who are here or, for that matter, those outside these halls. I hope this narrow approach will change when we get down to considering the House Bills on this subject.

In these past 24 hours, I wondered whether the majority really got the message of Watergate. Maybe those who want to, will realize that it is to their credit if they are big enough to allow all to participate. As Ben Franklin once said: 'the praise you take, although it may be your due -- will be suspect if it comes from you.'

Thank you, Mr. President."

Senator Yee then said:

"Mr. President, I just want to relate very briefly that I will be voting for the bill, but with grave reservations and if it does not come back in its proper form in conference, I would vote against it.

My reservations deal with its constitutionality of these three bills and I don't think in any of these major areas that it will be upheld in a court of law."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 628 was adopted and S.B. No. 19, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 629 (S.B. No. 398, S.D. 1):

On motion by Senator Nishimura, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 398,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 630 (S.B. No. 1200, S.D. 2):

On motion by Senator Nishimura, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 630 was adopted and S.B. No. 1200, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1732, S.D. 1:

Senator Takitani moved that S.B. No. 1732, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Yee then rose to speak for the bill as follows:

"Mr. President, I rise to speak very briefly in favor of this bill so that the members of the house across the way will understand the reasons why the Senate is supporting this measure. Inasmuch as several House members have indicated that this bill will die in the House, I do hope that they will reconsider their actions.

I can't help but feel after listening to the testimony at the University of Hawaii and here at the Capitol and talking with the principals involved, that everyone generally agrees that this non-profit public corporation is in the best interest of the East-West Center. Even the students who had objected to this particular area have been pacified in that this bill now has a proviso that for the next three years, the residents of Hale Laulima and Hale Kawahine would not be removed. They appreciate the fact that they have a three-year tenancy and in the meantime, other facilities could be developed for students who would then enroll at the University of Hawaii. Even the President of the student body of the East-West Center testified in favor of this particular bill although they complained that they did not have as much input as they desire.

Nevertheless, I think the overall purpose and objectives of the bill is a good one and I do hope that the House across the way here will take it with this spirit.

Thank you."

The motion was put by the Chair and carried and S.B. No. 1732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN EDUCATIONAL NON-PROFIT PUBLIC CORPORATION TO ADMINISTER AND OPERATE THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (King and Yim).

At 8:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:05 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 1645, S.D. 1:

By unanimous consent, action on S.B. No. 1645, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 115, S.D. 2:

By unanimous consent, action on S.B. No. 115, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 573 (S.B. No. 33, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 573 was adopted and S.B. No. 33, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF CERTAIN PROPERTY AND PROCEEDS FROM TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 574 (S.B. No. 649, S.D. 1):

Senator R. Wong moved that Stand. Com. Rep. No. 574 be adopted and that S.B. No. 649, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator King then rose and stated as follows:

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

I think what is said to be the purpose of this bill is one no one can argue with, lowering the utility rates people pay. In today's economic scene particularly, this is a very compelling factor.

The bill proposes to do this by allowing the electric and gas utilities to float bonds through the State structure so that the interest rates will be lower. Because of this, utility rates will be lower and we certainly need that, but it seems to me that this bill does several other things which I would briefly like to cite.

However, before I do that perhaps I could just mention several facts which seem to me pertinent about the major utility which has spent a lot of time and effort backing this bill--the Hawaiian Electric Company. One fact for example is that last year, it paid out in dividends to its stockholders, \$16,933,631--\$1.59 per share. That's quite a chunk of dough.

If you plowed even half of that--eight and a half plus million--back into people's electric bills and reduced it by that much, that would seem to me to certainly help reduce utility rates.

Secondly, in terms of in-house economics, the President of Hawaiian Electric who does an excellent job for the company, receives (I don't know what his other benefits are), but he receives \$80,000 per year--certainly not out of line for a corporate executive. In fact, it is lower than many receive in a job of comparable responsibility. Anyway, \$80,000 is not too bad.

Attorney's fees in 1974 amounted to \$172,300. Directors for the company receive \$100 per meeting and in 1974, the total was \$55,350. This seems to me not a particularly valiant effort in terms of in-house economics to reduce utility rates; though, of course, it in no way compares to the amount paid in dividends to the stockholders.

Another thing this bill does, Mr. President, is make the interest from the bonds which are floated tax free both from Federal and State taxes. Here it seems to me once

again we're giving a break to people who need it the least. A lot of lower income and middle income people are really hurting but what we're saying here is 'okay, if you have enough money to buy these bonds, we're going to give you this additional tax break because the money you make off it, you don't have to pay any Federal or State taxes on.'

Two years ago, Mr. President, we passed a bill allowing the utility companies to float bonds through the State structure when the money was for anti-pollution capital improvements. This seems to me eminently fair for the government to say we want you to take this action and therefore I feel we should certainly make it as painless and as easy as possible for them to do that.

The bonds in this bill however, are for as provided in Section 2 (2) of the bill 'for any facilities' for the furnishing of electricity or gas. This seems to me a kind of green light at a time when what we should be doing is encouraging less dependence on electricity; granted that where we expend, we do have to provide.

Just one final point, although it is stated that these bonds will not affect the State bond ceiling, the Director of the Department of Budget and Finance testified (although the Department did say that it supports the bill, subject to reservations cited, and here is the reservation. The Director of the Department of Budget and Finance testified, 'It is our belief that the continued growth of such tax-free revenue bonds could hurt the municipal bond market and that a flooding of the market with tax-free revenue bonds could eventually lead to higher interest rates that the State must pay on its own general obligation bond issues.')

I would urge, Mr. President, a No vote on this bill.

Thank you."

At 8:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:12 o'clock p.m.

Senator Leopold then rose to speak in favor of the bill as follows:

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

Utility rates in Hawaii have skyrocketed in recent years, and this increased cost to the consumer reflects the high cost of oil and money to utility companies. Government has a responsibility to do all that it can to lower utility rates for the consuming public and Senate Bill No. 649, S.D. 1, is a constructive, responsible step in this direction.

I have had reservations about this bill because of possible competition between the State and utility companies for limited funds in the bond market. I have also been concerned that if Hawaiian Electric Company, for example, is allowed to use tax-exempt bonds, a subsequent reduction in its rates may not reflect the full amount of savings the company achieves.

How can the State be assured that the consumer will fully benefit by allowing Hawaiian Electric and other utility companies to use tax-exempt bonds when the State Public Utilities Commission has repeatedly failed to adequately protect the consumer interest in this state?

Mr. President, I am, nevertheless, persuaded by the basic soundness of the proposal before us and feel that every effort should be made to assist utility companies in reducing their costs which will benefit consumers.

I am also satisfied that Section 3 of Senate Bill No. 649, bars the issuance of revenue bonds until a judicial determination regarding constitutionality is made in a proceeding involving the issuance of these bonds or bonds authorized by Act 161, which allows Hawaiian Electric Company, among others, to utilize tax-exempt bonds for anti-pollution projects. The constitutionality of this Act has been challenged, and the case is now before the State Supreme Court.

Because of the safeguards contained in the bill and because of the potential benefit to the consumer by the use of tax-exempt bonds, I support passage of Senate Bill No. 649, S.D. 1.

Thank you."

Senator R. Wong then spoke for the bill as follows:

"Mr. President, I find it also very difficult as my colleagues from the Sixth Senatorial District, relative to anything that deals with utility companies.

However, Mr. President, I want to assure this Honorable Body that I am satisfied with the provisions of the bill which places certain safeguards relative to the application for revenue bonds that they first must be presented to the Director of Regulatory Agencies to certify that it meets the economic conditions of the companies, and second, that a determination by the Budget and Finance people to find out the economic assets or experience of the companies that desire this kind of approval, and after that it goes to the Governor to enter into agreement with this particular issuance of the bond and further, a determination must be made by the Attorney General and finally, Mr. President, the final approval is with the Governor of the State of Hawaii.

I am satisfied that if these conditions are met, Mr. President, we may have a very good bill which would mean a savings to the consumer of the State of Hawaii.

Thank you, Mr. President."

Senator Yee in support of the bill stated:

"Mr. President, I rise to speak in favor of the bill and supporting the Senators from the Sixth Senatorial and the Fifth Senatorial Districts.

I rise not to reiterate what they say but to correct some of the statements that the Senator from the Sixth Senatorial District made which I feel should be corrected for the record. She condemns Hawaiian Electric Company for making a profit of approximately \$16 million.

Now let me say that in the American business scene, business people are in business for the purpose of making a reasonable profit for their stockholders, and the thousands and thousands of stockholders in Hawaiian Electric are not just people of esteemed categories or high income. Believe me, many investment companies that administer trust funds invest in Hawaiian Electric; labor pension programs, other employee pension programs will invest in Hawaiian Electric and many other utility companies. Profit sharing funds invest into Hawaiian Electric or other utility companies. The reason is because they know that a utility company is sound; it is well-operated and that it has a reasonable return on their investment.

If Hawaiian Electric or any other

utility company cannot have a reasonable return to their stockholders, they will not invest there. They cannot function and I think this is one of the heredities of America that is sound and this is what has brought America to where it is today.

Mention was also made about the tax-free bonds. Why should they buy tax-free bonds? The reason they buy tax-free bonds and the only time tax-free bonds are offered, are offered by municipalities, states or by the Federal government. The purpose is to encourage private capital to assist the various governmental agencies with their work and capital improvement projects, like harbors, airports, roads, hospitals, schools.

I think it is sound business to invest a portion of your investment portfolio in tax-free bonds so that with this income, you can also add to the income that you collect from the users of energy and thereby reduce the cost of operation and hopefully it is passed on to the consumer.

So let us not really condemn an organization unless we can really prove for the people and to others that they are 'ripping' the public. At this point, I don't think they are.

Thank you."

Senator King then stated: "Mr. President, just for the record, I wasn't condemning an organization; I was speaking against the bill."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 574 was adopted and S.B. No. 649, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO PROVIDE FACILITIES FOR THE LOCAL FURNISHING OF ELECTRIC ENERGY OR GAS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (King).

Senate Bill No. 1638, S.D. 1:

Senator Kuroda moved that S.B. No. 1638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", be recommitted to the Committee on Consumer Protection, and the President noting that there was no objection, so ordered.

At 8:20 o'clock p.m., the Senate recessed subject to the call of the

Chair.

The Senate reconvened at 8:23 o'clock p.m.

RECONSIDERATION OF
ACTION TAKEN

Senator Kuroda moved that the Senate reconsider its action on Senate Bill No. 1672, S.D. 1, seconded by Senator Hulten and carried.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, S.B. No. 1672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Standing Committee Report No. 585 (S.B. No. 582, S.D. 2):

Senator O'Connor moved that Stand. Com. Rep. No. 585 be adopted and that S.B. No. 582, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taira.

Senator Chong then spoke for the passage of the bill as follows:

"Mr. President, I would like to speak for this bill. Senate Bill No. 582, more commonly referred to as the 'sunshine bill', has had a tremendous amount of public support.

The purpose of the Sunshine Bill is to prevent the over-use and misuse of Executive Sessions by public boards and bodies and open their meetings to the public.

I take this opportunity to alert both the Senate and all interested persons that S.B. No. 582, S.D. 1, has been flawed in my estimation by the addition of Section 92-5, Paragraph 6. We can't fault most of the exceptions to Executive Sessions. However, the final exception which reads 'and to consider other confidential matters' could throw the door open for abuse. By this language, almost anything could be considered as 'other confidential matters' and be an excuse for executive session. If this happens, the bill will have missed the mark.

I am voting for it as the best compromise

attainable at this time, and the Chairman of the Judiciary Committee should be applauded for his fine efforts in getting all of the conflicting viewpoints together; but I still wish to alert this body and suggest that we may want to bring in an amendment to this bill at a later time.

Thank you."

Senator O'Connor then stated:

"Mr. President, just to clear up a matter related to by the Senator from the Sixth District. That section that he referred to under exceptions states 'to consider confidential matters related to public safety or security' and it is there for a very specific purpose. It relates primarily to those types of meetings which might have to do with our correctional system and the security which is involved in handling dangerous and other types of criminals where they might lash back at the people involved in the meeting. It is a very specific section and it is specifically worded and doesn't refer to any old confidential meeting."

Senator King then stated: "I rise to speak in favor of the measure. Hooray!"

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 585 was adopted and S.B. No. 582, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OPEN MEETINGS OF PUBLIC BODIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Senate Bill No. 1050, S.D. 1:

Senator O'Connor moved that S.B. No. 1050, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taira.

Senator O'Connor then spoke for the passage of the bill as follows:

"Mr. President, I am voting in favor of this bill but I might point out that there is one provision of the bill that I think deserves a second look someday and that is the fact that gasoline dealer prevailing in an action for the wrongful termination of his franchise or the unreasonable renewal of his franchise can recover triple damages.

I believe that this type of recovery

belongs only in the area of punitive recovery such as an anti-trust litigation and I for one would like to see someday that be reduced to the same kind of recovery that anyone suing for breach of contract or unreasonable renewal of contract can recover purely what his losses are as a result of that loss.

I will be voting for the bill because I feel that the idea in general is a good one."

The motion was put by the Chair and carried, and S.B. No. 1050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONS FOR FAIR COMPETITIVE PRACTICES IN THE TERMINATION OF GASOLINE DEALERS FRANCHISE AGREEMENTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Senate Bill No. 1051:

On motion by Senator O'Connor, seconded by Senator Taira and carried, S.B. No. 1051, entitled: "A BILL FOR AN ACT RELATING TO THE OPERATIONS OF SERVICE STATIONS", was recommitted to the Committee on Judiciary.

At 8:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:32 o'clock p.m.

Senate Bill No. 183, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Taira and carried, S.B. No. 183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UPWARD BOUND PROGRAMS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Senate Bill No. 1634:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 1634, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Standing Committee Report No. 619 (S.B. No. 142):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 142, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE BENEFITS FOR PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Standing Committee Report No. 624 (S.B. No. 1637):

On motion by Senator O'Connor, seconded by Senator Taira and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 1637, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

Senate Bill No. 591, S.D. 2:

Senator O'Connor moved that S.B. No. 591, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taira.

Senator Kuroda then rose to speak for the bill as follows:

"Mr. President, I rise to speak in support of this bill.

The present Hawaii No Fault Auto Insurance Act contains a section which assesses and levies upon each insurer and self-insurer, a fee of \$1 per year for driver training. The present law funnels all of this to the driver training program administered by the District Courts. Senate Bill No. 591, S.D. 2, amends the law so that part of the funds will be devoted to the driver education program at our high schools. This amendment will definitely provide more funds for a good program.

This move truly recognizes that proper driver education at the high school level is of great importance in our society.

I urge a Yes vote by all members.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDS FOR DRIVER EDUCATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 1645, S.D. 1:

Senator R. Wong moved that S.B. No. 1645, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Kawasaki then rose to speak against the bill as follows:

"Mr. President, I rise to speak against the passage of the bill and I want to assure my good colleagues and friends, Senators Richard Wong and Donald Ching that I am not exactly obsessed with a hero complex or a political suicide complex either; but I cannot in good conscience vote in favor of this bill when I realize the financial impact that is going to be the end result of this bill. In my lay fashion, I calculate that roughly this bill is going to involve \$53 million of taxpayers' funds and I am rather appalled that while we spend a lot of time debating the pros and cons on bills amounting to \$25,000 to \$100,000 around here that we in a rather cavalier fashion, almost carte blanche, approve this bill involving these amounts of money.

It seems to me once we vote Aye on this particular bill, we are saying in effect that we had ratified about nine contracts involving this kind of money and I am a little concerned where this kind of money is concerned that we did not take each contract, submit it to the subject matter committee for that committee's scrutiny so that they can decide whether the terms agreed upon by the negotiating parties were reasonable. Secondly, whether the taxpayers of this State could afford it.

By voting Aye for this tonight, we're going to impose upon the taxpayers of this State a burden of \$53 million and in my judgment is not quite justified.

Now, I'm not against pay raises for government workers, if you will. Possibly a third of my campaign supporters and voters are government workers and I have relatives and close friends who are government workers, but they are reasonable people. They have told me in my conferences with them 'enough is enough.'

I am not objecting to pay increases as provided in the annual automatic increases, the incremental increases, roughly about 5%. This to me is an increase in wages that we want to give them but at a time when our State is facing somewhat serious financial straits, and I predict that while we are in a recession at this moment that we are going to get into a very serious depression; that we are going to have more unemployment; that we are going to have the unemployment roles grow, there's going to be more need for welfare payments to people who cannot find jobs, and at a time when our nation faces an unprecedented \$87 billion deficit this year ... never in the history of this country have we faced this kind of deficit; at a time when our dollar is the weakest of any major nation's currency on the currency market; at a time when our dollar has suffered two devaluations, and, I predict there will be two more or three more possibly; at a time when responsible labor groups and the rest of the nation are taking wage cuts voluntarily; at a time when they are saying, cut our working hours; at a time when they are not taking already negotiated wage increases just to make sure that jobs will not be eliminated... like the City of New York where there was a need for reduction of firemen and policemen simply because the City did not have the funds to carry on the government at the present level, we in this State are generously allowing the automatic incremental increases to go on as usual but on top of that we are allowing some bargaining units an 8½% increase. This to me is just unthinkable at a time like this.

I estimate that the University of Hawaii contract is going to cost us a good amount of money too. Possibly about \$23 million. This is to me is something we better take real seriously.

By voting No on this bill, we are not rejecting completely and forever wage agreements. We're saying 'you people who have entered

into bargaining agreements, we in the Legislature feel that your particular contract is a little more than we can afford, or the people of the State can afford. How about going back, renegotiate, and come back with some figures that we can really afford.' That's all we're saying. By voting Yes on this precludes this alternative completely...whatsoever, and this is my great concern.

As I said in my Opening Day acceptance speech, this is a crucial time...this is a crucial session. We have got to act very responsibly, in a manner consonant with intellectual honesty because most of us know that this is not what we can afford in the State. Many of you have told me privately that, 'I think you are right.'

We have got to exercise courage, unprecedented, as I said, in the annals of political history here in this State, because, once this bill is voted on you leave the House of Representatives across the rotunda no alternative but to agree with us. In fact, even making it a more generous allowance. This is the way politics works around here, and as I said earlier, I have no particular hero complex but I cannot in good conscience, when I said to the people of this State in my Opening Day address that we've got to protect the wider public interest; the interest of the thousands of silent voices, never heard around here through their lobbyists.

We've got to worry about the guy who's not a government worker; we've got to worry about the man in the private sector who's concerned about the permanency of his job; we've got to worry about the man whose job has been eliminated; we've got to worry about the 25,000 people on the unemployment roles; we've got to worry about the independent businessman who has his hands full trying to meet taxes, to meet his payroll, to keep in competition in a very competitive market.

What we are going to do tonight in a single act, in a single vote, almost by unanimous consent, is going to have a GREAT financial impact on this State. I would wish that some of you would consider your vote very carefully on this. I would wish that most of you would vote No on this.

As I said, 'this does not preclude granting wage increases later on'... renegotiated wage increases. I think the 5% incremental increase is quite adequate at the moment. I am willing to consider other wage agreements that have calculated into their agreements the incremental increases also. What I see in this package is that we are saying okay to wage agreements that have incremental increases on top of an 8% - 8½% increase. This to me is more than the taxpayers of this State can afford.

Thank you."

Senator George then said that the previous speaker had expressed her reservations very well and that she was going to vote No on this measure.

The motion was put by the Chair and carried and S.B. No. 1645, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARIES AND OTHER ADJUSTMENTS, INCLUDING COST ITEMS OF COLLECTIVE BARGAINING AGREEMENTS COVERING PUBLIC EMPLOYEES AND OFFICERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (George and Kawasaki). Excused, 1 (Nishimura).

Senate Bill No. 115, S.D. 2:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 115, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nishimura).

At 8:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:46 o'clock p.m.

ADJOURNMENT

At 8:47 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 14, 1975.