

## FIFTY-SECOND DAY

Tuesday, April 1, 1975

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Dr. William E. Smith of the Waiālae Baptist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-First Day.

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

Senator Kuroda introduced 94 fifth grade students from Waimalu Elementary School, together with their teachers Mr. Kiyoshi Nakashima, Mrs. Ruth Nakasone and Mrs. Caroline Takakawa.

Senator Saiki then introduced 40 seventh grade students from Kaimuki Intermediate School, together with their teacher Mrs. Shak.

Senator Yee introduced 76 students from Ala Wai School, together with their teachers Mrs. Irene Bayne, Mrs. Mary Hendrickson and Mrs. Ruth Ward. Also introduced were Miss Gail Yamashiro and Miss Sandra Ouchi, student teachers; and Mrs. Vivian Oyama, Mrs. Jean Orleans and Mrs. Mabel Punzal, parents.

At this time, Senator King introduced 25 juniors and seniors from McKinley High School, who are members of Brian Nakamura's Hawaii 2000 class.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 206 to 263) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 206), submitting for consideration and confirmation to the Environmental Council, the nomination of Brother Oliver Aiu, term to expire December 31, 1977, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 207), submitting for consideration and confirmation to the Environmental Council, the

nomination of Dr. John W. Hylin, term to expire December 31, 1978, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 208), submitting for consideration and confirmation to the Environmental Council, the nomination of Richard Y. Kuwada, term to expire December 31, 1978, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 209), submitting for consideration and confirmation to the Environmental Council, the nomination of Albert S. Nishimura, term to expire December 31, 1978, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 210), submitting for consideration and confirmation to the Environmental Council, the nomination of James P. Iams, term to expire December 31, 1978, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 211), submitting for consideration and confirmation to the Environmental Council, the nomination of Dr. Eugene M. Kawaguchi, term to expire December 31, 1978, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 212), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Kauai, the nomination of Melvin H. Kua, term to expire December 31, 1976, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 213), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Kauai, the nomination of Alvin Tanigawa, term to expire December 31, 1976, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 214), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Kauai, the nomination of Goro Sadaoka, term to expire December 31, 1976, was referred to the Committee on Ecology,

Environment and Recreation.

A message from the Governor (Gov. Msg. No. 215), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Shizuo Tokuda, term to expire December 31, 1978, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 216), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Arthur Bevenue, term to expire December 31, 1978, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 217), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Herbert R. Hurov, term to expire December 31, 1978, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 218), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Stephen S. Kanda, term to expire December 31, 1978, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 219), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Sylvia E. Oyama, term to expire December 31, 1978, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 220), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Natalie A. Cardenas, term to expire December 31, 1975, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 221), submitting for consideration and confirmation to the Library Advisory Commission, County of Kauai, the nomination of Ichiro Okada, term to expire December 31, 1978, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 222), submitting for consideration and confirmation

to the Board of Health, the nomination of Mark B. Perlmutter, term to expire December 31, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 223), submitting for consideration and confirmation to the Board of Health, the nomination of Dr. Allan Leong, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 224), submitting for consideration and confirmation to the Board of Health, the nomination of Dr. Thomas Y. Kobara, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 225), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Dr. Albert C. K. Chun-Hoon, term to expire December 31, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 226), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Dr. Pete T. Okumoto, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 227), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Dr. John H. C. Kim, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 228), submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Dr. Alan R. Becker, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 229), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Dr. Howard H. Furumoto, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 230), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Dr. A. K. Takayama,

term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 231), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Richard N. Mato, term to expire December 31, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 232), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Nobuyuki Iinuma, term to expire December 31, 1976, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 233), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Dr. George Bracher, term to expire December 31, 1976, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 234), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Roland W. Clements, term to expire December 31, 1977, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 235), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of David M. Tengan, term to expire December 31, 1977, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 236), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Dr. Philip J. W. Lee, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 237), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Kauai County Hospital System, the nomination of Dr. Donald Kawane, term to expire December 31, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 238), submitting for consideration and confirmation

to the County Hospital Management Advisory Committee, Kauai County Hospital System, the nomination of Richard F. Cameron, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 239), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Maui County Hospital System, the nomination of Goro Hokama, term to expire December 31, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 240), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Maui County Hospital System, the nomination of Donald Shishido, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 241), submitting for consideration and confirmation to the Board of Directors, Research Corporation, University of Hawaii, the nomination of Dr. Clarence Chang, term to expire December 31, 1978, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 242), submitting for consideration and confirmation to the Commission on Aging, the nomination of James T. Nishi, term to expire December 31, 1975, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 243), submitting for consideration and confirmation to the Advisory Commission to the Administrator of the Vocational Rehabilitation and Services for the Blind Division, the nomination of Ajerico S. Pablo, term to expire December 31, 1976, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 244), submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of Y. Charles Tanigawa, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 245), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Harilyn

S. Mau, term to expire December 31, 1976, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 246), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Joan Shinn, term to expire December 31, 1977, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 247), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Margaret S. Ushijima, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 248), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Dr. Corazon A. Manayan, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 249), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Kay Miyasato, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 250), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Monta Kinney, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 251), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Priscilla J. Hayashi, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 252), submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of James F. Ventura, term to expire December 31, 1975, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 253), submitting for consideration and confirmation to the Commission to Promote Uniform

Legislation, the nomination of James A. King, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 254), submitting for consideration and confirmation to the Cemetery Board, the nomination of R. Gregg Hall, term to expire December 31, 1977, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 255), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of David R. De Costa, Sr., term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 256), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of Deen I. Morita, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 257), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of Ernest Y. Maeda, term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 258), submitting for consideration and confirmation to the Pacific War Memorial Commission, the nomination of Gail T. Kiriu, term to expire December 31, 1978, was referred to the Committee on Military and Civil Defense.

A message from the Governor (Gov. Msg. No. 259), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Jeanne B. Johnson, term to expire December 31, 1977, was referred to the Committee on Military and Civil Defense.

A message from the Governor (Gov. Msg. No. 260), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Albert F. Alfonso, term to expire December 31, 1978, was referred to the Committee on Military and Civil Defense.

A message from the Governor (Gov. Msg. No. 261), submitting for consideration and confirmation to the Commission on Transportation,

the nomination of George Kubota, term to expire December 31, 1976, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 262), submitting for consideration and confirmation to the Commission on Transportation, the nomination of Robert T. Leary, term to expire December 31, 1978, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 263), submitting for consideration and confirmation to the Commission on Transportation, the nomination of Noboru Yamane, term to expire December 31, 1978, was referred to the Committee on Transportation.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 311 to 319) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 311), informing the Senate that the amendments proposed by the Senate to House Concurrent Resolution No. 100, were agreed to by the House; and H.C.R. No. 100, S.D. 1, was finally adopted by the House of Representatives on March 31, 1975, was placed on file.

A communication from the House (Hse. Com. No. 312), transmitting House Concurrent Resolution No. 83, H.D. 1, which was adopted by the House of Representatives on March 31, 1975, was placed on file.

By unanimous consent, H.C.R. No. 83, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING MORE ATTENTION AND INCENTIVES BE GIVEN TO PROVIDING HOUSING FOR MIDDLE INCOME FAMILIES", was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 313), transmitting House Concurrent Resolution No. 148, which was adopted by the House of Representatives on March 31, 1975, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING CONGRATULATIONS AND APPRECIATION FOR CONTRIBUTIONS TOWARD IMPROVING

HAWAII'S ENVIRONMENT", was adopted.

A communication from the House (Hse. Com. No. 314), returning Senate Bill No. 1140, which passed Third Reading in the House of Representatives on March 31, 1975, was placed on file.

A communication from the House (Hse. Com. No. 315), returning Senate Bill No. 92, S.D. 2, which passed Third Reading in the House of Representatives on March 31, 1975, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 92, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", was deferred until Wednesday, April 2, 1975.

A communication from the House (Hse. Com. No. 316), returning Senate Bill No. 717, which passed Third Reading in the House of Representatives on March 31, 1975, in an amended form, was placed on file.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 717, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE FEDERAL GOVERNMENT".

A communication from the House (Hse. Com. No. 317), returning Senate Bill No. 1139, which passed Third Reading in the House of Representatives on March 31, 1975, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", was deferred until Wednesday, April 2, 1975.

A communication from the House (Hse. Com. No. 318), returning Senate Bill No. 1556, which passed Third Reading in the House of Representatives on March 31, 1975, in an amended form, was placed on file.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 1556, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS".

A communication from the House (Hse. Com. No. 319), returning Senate Bill No. 42, S.D. 2, which

passed Third Reading in the House of Representatives on March 31, 1975, in an amended form, was placed on file.

By unanimous consent, consideration of S.B. No. 42, S.D. 2, H.D. 1, was deferred to the end of the calendar.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 129 to 136) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 129), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO HONOR THE LATE SENATOR LARRY N. KURIYAMA BY NAMING AN APPROPRIATE BUILDING IN HIS MEMORY", was jointly offered by Senators Ching, F. Wong, Kuroda, Young, Taira, Hulten, Hara, George, Kawasaki, Yamasaki, O'Connor, Ushijima, Leopold, Henderson, Saiki, Chong, Takitani, King, Toyofuku, Rohlfling, Yim, R. Wong and Nishimura.

By unanimous consent, S.C.R. No. 129 was referred to the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 130), entitled: "SENATE CONCURRENT RESOLUTION COMMENDING THE HAWAII ADVISORY COUNCIL FOR THE HEARING IMPAIRED FOR ITS OUTSTANDING WORK", was jointly offered by Senators Takitani, Yamasaki, Young, King, Ching, Chong, Yim, O'Connor, Hulten and Kawasaki.

On motion by Senator Takitani, seconded by Senator Yamasaki and carried, S.C.R. No. 130 was adopted.

A concurrent resolution (S.C.R. No. 131), entitled: "SENATE CONCURRENT RESOLUTION COMMENDING THE COMMISSION ON THE YEAR 2000 FOR ITS EXPERIMENTAL COMMUNITIES SCHOOL PROJECT", was jointly offered by Senators King, Nishimura and Chong.

On motion by Senator King, seconded by Senator Chong and carried, S.C.R. No. 131 was adopted.

A concurrent resolution (S.C.R. No. 132), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AWARD COLLEGE CREDITS FOR KNOWLEDGE OBTAINED OUTSIDE OF COLLEGE CLASSES", was jointly offered by Senators Takitani, Yamasaki, Ching, Hulten, Chong, Young, Yim and O'Connor.

By unanimous consent, S.C.R. No. 132 was referred to the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 133), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO LEGISLATIVE SPACE REQUIREMENTS", was jointly offered by Senators Toyofuku, Taira, R. Wong, Yamasaki, Rohlfling, F. Wong, Chong, Young, Takitani, Ching, Hulten, Ushijima, Anderson, Hara, Henderson, O'Connor, Yim, Leopold, Nishimura, Kawasaki, Saiki, George, Yee and Kuroda.

By unanimous consent, S.C.R. No. 133 was referred to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 134), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PREPARATION OF A PUBLIC POLICY AND STRATEGY FOR HOUSING", was jointly offered by Senators Young, F. Wong, Toyofuku, Kuroda, Chong, Yim, O'Connor, Henderson, Taira, Yamasaki, Ching, R. Wong, Nishimura, Takitani, Rohlfling, Yee, King, Hulten, Leopold, George, Kawasaki, Hara, Anderson and Saiki.

By unanimous consent, S.C.R. No. 134 was referred to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 135), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE IMPLEMENTATION OF A RAPID TRANSIT SYSTEM FOR OAHU", was jointly offered by Senators O'Connor, Taira, Takitani, Hara, Kawasaki, Nishimura, Saiki and F. Wong.

By unanimous consent, S.C.R. No. 135 was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A concurrent resolution (S.C.R. No. 136), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO RECONSIDER THE LIMITATION IMPOSED ON ROTC PROGRAMS IN PUBLIC HIGH SCHOOLS", was jointly offered by Senators Kuroda, O'Connor, Yim, Nishimura, Kawasaki, Young, Toyofuku, Hara, Rohlfling, Henderson, Anderson, Yamasaki, R. Wong, Saiki, George, Leopold, F. Wong, Takitani and Taira.

By unanimous consent, S.C.R. No. 136 was referred to the Committee on Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R.

Nos. 377 to 391) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 377), entitled: "SENATE RESOLUTION COMMENDING THE HAWAII ADVISORY COUNCIL FOR THE HEARING IMPAIRED FOR ITS OUTSTANDING WORK", was jointly offered by Senators Takitani, Yamasaki, Young, King, Ching, Chong, Yim, O'Connor, Kawasaki and Hulten.

On motion by Senator Takitani, seconded by Senator Yamasaki and carried, S.R. No. 377 was adopted.

A resolution (S.R. No. 378), entitled: "SENATE RESOLUTION RECOGNIZING THE OBSERVANCE OF NATIONAL SECRETARIES WEEK, APRIL 20 TO 25, 1975", was jointly offered by Senators Saiki, King, F. Wong, Takitani, Chong, Hulten, Hara, Ching, Kuroda, Leopold, Rohlfing, Toyofuku, Yim, Nishimura, George, Henderson, Anderson, Yamasaki, Young, Taira, O'Connor and R. Wong.

On motion by Senator Saiki, seconded by Senator Young and carried, S.R. No. 378 was adopted.

A resolution (S.R. No. 379), entitled: "SENATE RESOLUTION HONORING DUANE AKINA OF PUNAHOU, 1975 ILH BASKETBALL 'PLAYER OF THE YEAR' ", was jointly offered by Senators Yee, Rohlfing Yim, Henderson, Ching, Hulten, Young, Leopold, Chong, Takitani, George, Saiki, Taira, Anderson, King, F. Wong, Hara and Toyofuku.

On motion by Senator Yee, seconded by Senator Rohlfing and carried, S.R. No. 379 was adopted.

A resolution (S.R. No. 380), entitled: "SENATE RESOLUTION COMMENDING THE COMMISSION ON THE YEAR 2000 FOR ITS EXPERIMENTAL COMMUNITIES SCHOOL PROJECT", was jointly offered by Senators King, Nishimura, Young, Saiki and Chong.

On motion by Senator King, seconded by Senator Chong and carried, S.R. No. 380 was adopted.

A resolution (S.R. No. 381), entitled: "SENATE RESOLUTION RELATING TO CAREER TRAINING AND COOPERATIVE EDUCATION", was jointly offered by Senators Takitani, F. Wong, Young, Yim, Chong and O'Connor.

By unanimous consent, S.R. No.

381 was referred to the Committee on Legislative Management.

A resolution (S.R. No. 382), entitled: "SENATE RESOLUTION RELATING TO THE UNIVERSITY OF HAWAII", was jointly offered by Senators Takitani, F. Wong, Young, Yim, Chong and O'Connor.

By unanimous consent, S.R. No. 382 was referred to the Committee on Higher Education.

A resolution (S.R. No. 383), entitled: "SENATE RESOLUTION REQUESTING THE STATE COMPTROLLER TO DEVELOP AND IMPLEMENT A SAVINGS PLAN FOR ALL STATE OFFICE BUILDINGS", was jointly offered by Senators Takitani, F. Wong, Young, Yim, Chong and O'Connor.

By unanimous consent, S.R. No. 383 was referred to the Committee on Energy/Natural Resources.

A resolution (S.R. No. 384), entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AWARD COLLEGE CREDITS FOR KNOWLEDGE OBTAINED OUTSIDE OF COLLEGE CLASSES", was jointly offered by Senators Takitani, Yamasaki, Ching, Hulten, Chong, Young, Yim and O'Connor.

By unanimous consent, S.R. No. 384 was referred to the Committee on Higher Education.

A resolution (S.R. No. 385), entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONDUCT AN INVESTIGATION PURSUANT TO CHAPTER 480, HAWAII REVISED STATUTES, AS IT RELATES TO THE EGG, POULTRY, AND FEED INDUSTRIES", was jointly offered by Senators F. Wong, Taira, Yamasaki, Yim, Young, Kuroda, Chong, Ching, Toyofuku, Hara, Takitani, R. Wong and Hulten.

By unanimous consent, S.R. No. 385 was referred to the Committee on Economic Development.

A resolution (S.R. No. 386), entitled: "SENATE RESOLUTION CONGRATULATING ALOHA WEEK HAWAII, INCORPORATED", was jointly offered by Senators Ushijima, Takitani, Young, Ching, Yamasaki, Toyofuku, Hulten, Taira, Yim, Kuroda, Leopold, O'Connor, Hara, Chong, George, Saiki, King, F. Wong, R. Wong, Rohlfing, Henderson, Kawasaki and Nishimura.

On motion by Senator Taira, seconded

by Senator Anderson and carried, S.R. No. 386 was adopted.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

At 11:52 o'clock a.m., the Senate reconvened.

A resolution (S.R. No. 387), entitled: "SENATE RESOLUTION RELATING TO THE IMPLEMENTATION OF A RAPID TRANSIT SYSTEM FOR OAHU", was jointly offered by Senators O'Connor, Taira, Takitani, Hara, Kawasaki, Nishimura, Saiki and F. Wong.

By unanimous consent, S.R. No. 387 was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A resolution (S.R. No. 388), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF LAND TRUSTS AND THEIR APPLICATION IN HAWAII", was jointly offered by Senators O'Connor, Takitani, Hara, Leopold, Toyofuku, Taira, R. Wong, and Chong.

By unanimous consent, S.R. No. 388 was referred to the Committee on Legislative Management.

A resolution (S.R. No. 389), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO RECONSIDER THE LIMITATION IMPOSED ON ROTC PROGRAMS IN PUBLIC HIGH SCHOOLS", was jointly offered by Senators Kuroda, O'Connor, Leopold, Yim, Kawasaki, Young, Toyofuku, Hara, Rohlfing, Henderson, Anderson, Yamasaki, R. Wong, Nishimura, Saiki, George, F. Wong, Takitani and Taira.

By unanimous consent, S.R. No. 389 was referred to the Committee on Education.

A resolution (S.R. No. 390), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE WELFARE RENTAL ASSISTANCE HOUSING PROGRAM ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was jointly offered by Senators Kuroda, Toyofuku, Taira, Takitani, Kawasaki, Young, Yim, Yee, Leopold, O'Connor, Rohlfing, Henderson, Yamasaki, R. Wong, Nishimura, Saiki, George and F. Wong.

By unanimous consent, S.R. No. 390 was referred to the Committee on Human Resources.

A resolution (S.R. No. 391), entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF AIEA RAINBOW BAY STATE PARK", was jointly offered by Senators Kuroda, Yim, Young, Kawasaki, Toyofuku, Hara, O'Connor, Rohlfing, Henderson, Anderson, King, Yamasaki, R. Wong, Saiki, George, Leopold, Nishimura, F. Wong, Takitani and Taira.

By unanimous consent, S.R. No. 391 was referred to the Committee on Ecology, Environment and Recreation.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 763), informing the Senate that Governor Message Nos. 206 to 263, Senate Concurrent Resolution Nos. 126 to 134, Senate Resolutions Nos. 375 to 385, and Standing Committee Report Nos. 761 and 762, and 764 to 815 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.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 764), recommending that Senate Resolution No. 174 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 174, entitled: "SENATE RESOLUTION REQUESTING COORDINATION OF PRIVATE AND PUBLIC HEALTH PLANNING", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 765), recommending that House Bill No. 419, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.B. No. 419, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 419, H.D. 2.



Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 766), recommending that Senate Resolution No. 100 be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 100, entitled: "SENATE RESOLUTION RELATING TO THE LEGISLATURE'S BELIEF IN THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWERS", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 767), recommending that Senate Resolution No. 146, as amended in S.D. 1, be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 146, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE AVAILABILITY OF LOCAL SERVICING FOR INSURANCE CLAIMS", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 768), recommending that Senate Resolution No. 188 be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted, and Roll Call vote having been requested, S.R. No. 188, entitled: "SENATE RESOLUTION REQUESTING THE ISSUANCE OF A UNITED STATES POSTAGE STAMP TO COMMEMORATE THE BICENTENNIAL OF CAPTAIN COOK", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chong).

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 769), recommending that Senate Resolution No. 199, as amended in S.D. 1, be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 199, S.D. 1, entitled: "SENATE RESOLUTION ENDORSING THE INTENT AND PURPOSES OF HR 1894 KNOWN AS THE PEACE ACT SPONSORED BY CONGRESSMAN SPARK M. MATSUNAGA AND OTHERS", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 770), recommending that Senate Resolution No. 225 be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 225, entitled: "SENATE RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT TO ESTABLISH A NATIONAL NETWORK OF YOUTH ADVISORY BOARDS", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 771), recommending that Senate Resolution No. 238 be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted, and Roll Call vote having been requested, S.R. No. 238, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII BAR ASSOCIATION TO STUDY THE MATTER OF SPONSORING A PREPAID LEGAL SERVICES PROGRAM IN HAWAII", was adopted on the following showing of Ayes and Noes:

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

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 772), recommending that House Bill No. 132 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 H.B. No. 132, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES COLLECTED BY THE OFFICE OF CONSUMER PROTECTION".

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 773), recommending that House Bill No. 133, H.D. 1, 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 H.B. No. 133, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INJUNCTION OF VIOLATION OF LAWS AND ORDINANCES".

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 774), recommending that House Bill No. 134 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 H.B. No. 134, entitled: "A BILL FOR AN ACT RELATING TO INJUNCTION BY ATTORNEY GENERAL OR THE OFFICE OF CONSUMER PROTECTION".

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 775), recommending that House Bill No. 103 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 103, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR PROMOTING HARMFUL DRUGS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 103.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 776), recommending that House Bill No. 108, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 108, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 108, H.D. 1, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 777), recommending that House Bill No. 115, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 115, H.D. 2, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE UNIFORM PARENTAGE ACT", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 115, H.D. 2, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 778), recommending that House Bill No. 116, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 116, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM ATTACHMENT AND EXECUTION", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 116, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 779), recommending that House Bill No. 121 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 121, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 121.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 780), recommending that House Bill No. 424, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. 424, H.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO CREDIT DISABILITY INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 424, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 781), recommending that House Bill No. 428, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 428, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF THE MOTOR CARRIER LAW", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 428, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 782), recommending that House Bill No. 429 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 429, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF REAL ESTATE BROKERS AND SALESMEN", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 429.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 783), recommending that House Bill No. 610 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 610,

entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 610.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 784), recommending that House Bill No. 643, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 643, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE DISTRICT COURTS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 1, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 643, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 785), recommending that House Bill No. 849, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 849, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT OF PURCHASER TO RETURN INSURANCE POLICY WITHOUT OBLIGATION", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 849, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 786), recommending that House Bill No. 931 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and

carried, the report of the Committee was adopted and H.B. No. 931, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 931.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 787), recommending that House Bill No. 944, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED NAMES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 944, H.D. 1, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 788), recommending that House Bill No. 1130 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO STATE CHARTERED CREDIT UNIONS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1130.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 789), recommending that House Bill No. 1136, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee

was adopted and H.B. No. 1136, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1136, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 790), recommending that House Bill No. 1408 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1408, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS AND VENUE OF THE DISTRICT JUDGES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1408.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 791), recommending that House Bill No. 1410 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1410, entitled: "A BILL FOR AN ACT RELATING TO FACSIMILE SIGNATURE OF REGISTRAR OF THE LAND COURT", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1410.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 792), recommending that House Bill No. 1412 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1412, entitled: "A BILL FOR AN ACT TO

REPEAL SECTION 531-11 RELATING TO FILING OF COPIES OF CERTAIN RECORDS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1412.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 793), recommending that House Bill No. 1550, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1550, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL TRANSFER OF SOUND RECORDINGS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1550, H.D. 1, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 794), recommending that House Bill No. 1576 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1576.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 795), recommending that House Bill No. 1783 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee

was adopted and H.B. No. 1783, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1783.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 796), recommending that House Bill No. 1853 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1853, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM ALLOWABLE CIVIL PENALTIES FOR VIOLATION OF THE UNFAIR COMPETITION LAW", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1853.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 797), recommending that House Bill No. 1854 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1854, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM ALLOWABLE CIVIL PENALTY FOR VIOLATING AN INJUNCTIVE ORDER TO CEASE AND DESIST FROM VIOLATING THE ANTI-TRUST", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1854.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 798), recommending that House Bill No. 1855, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura,

seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1855, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM ALLOWABLE CRIMINAL PENALTIES FOR VIOLATION OF THE ANTI-TRUST LAWS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1855, H.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 799), recommending that House Bill No. 1890, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and H.B. No. 1890, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1890, H.D. 1, S.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 800), recommending that House Concurrent Resolution No. 72, H.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING HOUSE OF REPRESENTATIVES 2522, A BILL TO PROVIDE FEDERAL PROGRAMS OF EDUCATION, EMPLOYMENT, AND OTHER ASSISTANCE TO AREAS WITH HEAVY CONCENTRATIONS OF FOREIGN-BORN PERSONS", was adopted.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 801), recommending that House Concurrent Resolution No. 55, H.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and H.C.R. No. 55, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE PROBLEM OF OVERBOOKING IN THE HOTEL INDUSTRY", was adopted.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 802), recommending that Senate Resolution No. 276, as amended in S.D. 1, be adopted.

By unanimous consent, consideration of Stand. Com. Rep. No. 802 and S.R. No. 276, S.D. 1, was deferred to the end of the calendar.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 803), recommending that Senate Concurrent Resolution No. 98 be referred to the Committee on Ways and Means.

On motion by Senator Young, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and S.C.R. No. 98, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING APPROPRIATE TAX TREATMENT OF THE CONVERSION OF RESIDENTIAL LEASEHOLDS UNDER THE INTERNAL REVENUE CODE", was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 804), recommending that Senate Resolution No. 321 be referred to the Committee on Ways and Means.

On motion by Senator Young, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and S.R. No. 321, entitled: "SENATE RESOLUTION REQUESTING APPROPRIATE TAX TREATMENT OF THE CONVERSION OF RESIDENTIAL LEASEHOLDS UNDER THE INTERNAL REVENUE CODE", was referred to the Committee on Ways and Means.

Senators Takitani and Chong, for the Committees on Higher Education and Health, presented a joint report (Stand. Com. Rep. No. 805), recommending that Senate Resolution No. 164 be adopted.

On motion by Senator Takitani, seconded by Senator Chong and carried, the joint report of the Committees was adopted and S.R. No. 164,

entitled: "SENATE RESOLUTION REQUESTING THE SCHOOL OF PUBLIC HEALTH OF THE UNIVERSITY OF HAWAII TO INITIATE A SYSTEMS DESIGN FOR A HEALTH PLANNING DATA BASE", was adopted.

Senators Hara and Chong, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 806), recommending that Senate Resolution No. 201 be adopted.

On motion by Senator Hara, seconded by Senator Chong and carried, the joint report of the Committees was adopted and S.R. No. 201, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND EDUCATION TO DELINEATE THEIR FUNCTIONS FOR THE CARE OF HANDICAPPED CHILDREN", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 807), recommending that House Concurrent Resolution No. 35, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, and Roll Call vote having been requested, H.C.R. No. 35, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CASH IN LIEU OF FEDERAL COMMODITIES", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senator Hara, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 808), recommending that Senate Concurrent Resolution No. 93, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the majority of the Committee was adopted, and Roll Call vote having been requested, S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DEVELOP A UNIT OF STUDY ON VOTER AND CITIZEN RESPONSIBILITY WITHIN THE SOCIAL STUDIES CURRICULUM", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 809), recommending that House Bill No. 714, H.D. 2,

as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.B. No. 714, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", passed Second Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 810), recommending that House Bill No. 37, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 37, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SERVICE MEDIA ANNOUNCEMENTS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 811), recommending that House Bill No. 40, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 40, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ACQUISITION OF LANDS FOR PUBLIC RIGHTS-OF-WAY AND PUBLIC TRANSIT CORRIDORS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 812), recommending that House Bill No. 381, H.D. 1, pass Second Reading and be referred to the Committee on Health.

By unanimous consent, referral of H.B. No. 381, H.D. 1, to the Committee on Health was waived.

On motion by Senator King, seconded by Senator Hulten and carried, Stand. Com. Rep. No. 812 was received and placed on file and H.B. No. 381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VARIANCES FROM POLLUTION CONTROL

REQUIREMENTS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 1975.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 381, H.D. 1.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 813), recommending that House Bill No. 1117, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 1117, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 'THE SPIRIT OF LILUOKALANI' ", passed Second Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 814), recommending that House Bill No. 1624, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 1624, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE STRUCTURES", passed Second Reading and was referred to the Committee on Economic Development.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 815), recommending that House Bill No. 1713, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 1713, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 816), recommending that

House Bill No. 91, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.B. No. 91, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", passed Second Reading and was referred to the Committee on Ways and Means.

At 12:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 12:03 o'clock p.m., the Senate reconvened.

#### ORDER OF THE DAY

#### RE-REFERRAL OF A HOUSE BILL

The President made the following re-referral of a House Bill that had been received on Friday, March 14, 1975:

House Bill Referred to:

No. 1742, H.D. 1 Committee on  
Ways and Means

#### MATTERS DEFERRED FROM MARCH 31, 1975

Senate Concurrent Resolution No. 45, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 45 and that S.C.R. No. 45, H.D. 1, be finally adopted, seconded by Senator Ching.

Senator O'Connor then explained that the amendment made to S.C.R. No. 45 involved a change indicating that the Civil Aeronautics Board should not injure Aloha Airlines in any way by such an award.

The motion was put by the Chair and carried and Roll Call vote having been requested, S.C.R. No. 45, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING HAWAIIAN AIRLINES' APPLICATION TO THE CIVIL AERONAUTICS BOARD FOR THE CERTIFICATED SCHEDULED AIRLINE ROUTE AUTHORITY BETWEEN VANCOUVER, BRITISH COLUMBIA, CANADA, AND HONOLULU, HAWAII", was finally adopted on the following showing of Ayes and Noes:



Ayes, 23. Noes, 2 (Kawasaki and R. Wong).

Senate Bill No. 165, H.D. 1:

By unanimous consent, consideration of S.B. No. 165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF MORTUARIES", was deferred until Wednesday, April 2, 1975.

Senate Bill No. 959, H.D. 1:

By unanimous consent, consideration of S.B. No. 959, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAKE-OVER BID DISCLOSURES", was deferred until Wednesday, April 2, 1975.

Senate Bill No. 960, S.D. 1, H.D. 1:

Senator Nishimura moved that the Senate agree to the amendments proposed by the House to S.B. No. 960, S.D. 1, and that S.B. No. 960, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator O'Connor.

Senator Nishimura then explained that the amendments relate to typographical errors found in the original Senate Bill.

The motion was put by the Chair and carried and S.B. No. 960, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 748 (S.R. No. 296):

By unanimous consent, consideration of Stand. Com. Rep. No. 748 and S.R. No. 296, entitled: "SENATE RESOLUTION 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 deferred until Wednesday, April 2, 1975.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 12:56 o'clock p.m., the Senate reconvened.

Standing Committee Report No. 708

(H.B. No. 1870, H.D. 1, S.D. 2):

Senator F. Wong moved that Stand. Com. Rep. No. 708 be adopted and that H.B. No. 1870, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hara.

At this time, Senator F. Wong offered the following amendment to H.B. No. 1870, H.D. 1, S.D. 2:

"House Bill No. 1870, H.D. 1, S.D. 2, is amended in the following respects:

1. On Page 2, Line 5, change the word 'seven' to 'nine'.
2. On Page 2, Line 16, after the word 'duties.', add the following new sentence: 'Six affirmative votes shall be necessary for the commission to take any action.'
3. On Page 7, Line 17, after the word 'filed', delete the words 'as of March 1, 1975.', and insert the following: 'prior to July 1, 1975 or filed within thirty days after service of a certified copy of any findings of fact, conclusions of law, final decision and order made as part of the commission's 1974 periodic boundary review, whichever occurs later.'
4. On Page 12, Lines 7 through 12 are deleted and a new paragraph (e) is inserted as follows:
 

'(e) Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary change.'
5. On Page 17, delete the first paragraph (lines 1 through 4) in its entirety."

Senator F. Wong moved that the amendment be adopted, seconded by Senator Hara.

Senator F. Wong then explained the amendment as follows:

"I would like to take a brief time to explain the amendment.

The first amendment increases the Commission from seven to nine.

The second amendment requires six affirmative votes for the Commission to take any action. This maintains

the status quo as it exists in the law today.

Amendment number 3 is intended to clarify that this Body has absolutely no intention whatsoever to provide or interfere with any court suit now pending before the courts of this land.

The fourth amendment is one that has been raised because of some constitutional issues involved in an adversary proceeding where written testimony or the limitation of cross examination is hampered. In the present form it provides for the same type participation by the public as before; and there are no substantive changes in this particular amendment although it has been rewritten to conform to the constitutional issues that were raised yesterday.

The fifth amendment is a deletion of one paragraph on page 17. This particular provision is covered on page 13, sub-section (g); and I would like to call to the attention of the members that the blank space after the words and number Section 205- . . . . on line 7 refers specifically to Section 10 of this bill.

Mr. President, the Senate Draft 2 that has been before this Body is a good bill. Senate Draft 3 with these amendments makes it a better bill."

Senator King then rose and spoke as follows:

"Mr. President, I have a very difficult time to know whether I am rising to speak in favor of the amendment or against it because there are five different parts to it. It would have seemed to me that it would have been a lot fairer to have introduced them one at a time so that we could indicate how we felt about each one of them.

I think the expansion of the group in the first part of this from seven to nine is a good idea. I think raising of the affirmative votes from four to six is a good idea. And I totally agree with number 3 which takes care of one of our major concerns; and, therefore, the amendment that I was going to introduce on that portion, I will not.

However, I disagree with number 4 on the amendment that we are presently discussing because it does not carry out the intent of the decision made by the Economic Development Committee. The purpose

of (e) on page 12 was to allow anyone to participate in the proceedings of the Land Use Commission. When the bill was reported out of the Ecology, Environment and Recreation Committee, we wrote in a section allowing for this. This was deleted by the Economic Development Committee.

But at the time that it was deleted, the Chairman of the Economic Development Committee indicated that the language of the amended bill would include the provision of allowing anyone to participate in the proceedings of the Land Use Commission. However, the proposed amendment does not allow anyone to do so. It says, 'it shall allow a representative of a citizen or a community group to testify'. So under this section, only a representative of a citizen or a community group will be permitted to testify before the Land Use Commission.

I strongly believe that any citizen should be able to testify as an individual. Accordingly, I will have to speak against number 4 of this amendment; and I will be presenting an amendment of my own which will add the words 'a citizen' in addition to the representative of a citizen group.

Number 5 on this amendment we are considering deletes the first paragraph (lines 1 through 4) in its entirety. The section being deleted says that the Land Use Commission shall comply with the interim land use guidance policy. One of the merits of this bill is that it does set up such an interim policy and calls for a permanent one; and now we are deleting the section that says the Commission should abide by it leaving in the bill only the language that says they should do so insofar as practicable."

Senator Kawasaki then asked Senator King whether or not she would yield to a question for clarification, to which Senator King replied in the affirmative.

Senator Kawasaki then queried:

"Is it your intent at this point to amend the amendment that was proposed by Senator Francis Wong?"  
Senator King answered in the affirmative.

Senator Kawasaki then suggested that Senator King move to amend the amendments already presented. Senator Kawasaki said, "If it carries, fine. Then the entire amended bill goes up for a vote. If that fails, then we resort back to the original amendment as proposed by Senator

Francis Wong."

Senator King then rose and stated as follows:

"I would be happy to pursue that way, Mr. President, except that I was planning to stand by the amendments as I introduced them yesterday; and the language on the amendment page indicates that it's an amendment to the bill. If I were to amend the amendment at this time, then we would have to recess while I prepared new amendments that indicated on the page that they were amending the amendment rather than amending the bill.

Since I think the end result might well be the same, it might be better to stand with the amendments that I have though I would be happy to go along with that suggestion, Mr. President."

In the interest of saving time, the President suggested that Senator King retain her separate amendment.

Senator Anderson then rose and spoke against the amendment as follows:

"Mr. President, I guess I find myself in the same situation; but I rise to speak against amendment number 1 and number 2.

Number 2 is actually tied into number 1 where it changes the seven commissioners to nine. We're talking about four, one from each county, and five at large. If I know my politics, and I think I do, this not only gives the neighbor islands the veto over the land use decisions, it will in fact give the neighbor islands the final say because as I stand here, I am willing to bet you that final vote will be five appointed neighbor island commissioners and four from this county.

Over the years, I have seen many instances where neighbor island politicians, as well as commissioners on the various boards, were in positions to cast votes that determined our fate on this island when they themselves aren't responsive or they don't have to answer to the people of this particular island. I cannot agree that nine, with the five and four combination, is going to be advantageous to Oahu.

The neighbor islands have done a tremendous job in taking care of their own problems. I think and believe in home rule, and I think

the neighbor islands should have some say. However, I don't want to see the neighbor island commissioners in numbers dictate how windward Oahu is going to go and grow as the years proceed.

As I have said, I have seen the people who are not responsive to my constituency vote for or against a particular program because they pick up, get on an airplane and go home and they don't have to answer to my people. I think that puts the Oahu legislators and the Oahu problems at a terrible disadvantage."

Senator Kawasaki then commented as follows:

"Voting for the second amendment, Senator Anderson, requiring six affirmative votes to take action will prevent a majority of only five neighbor island commissioners to pass action. It will require another single vote from Oahu, six votes in total. This is the reason for that particular amendment."

Senator Anderson then stated:

"If I may, I think that I have the numbers properly, and I realize one out of the four would have to go along with it; and that isn't hard to get. That would be twenty-five percent of the Oahu commissioners. Five neighbor islanders and one Oahu commissioner would determine the fate of any one district, and I just don't think that's wise.

I got the numbers as you suggested, but I don't think it's fair to this island."

Senator Kawasaki then responded as follows:

"One brief second response, I think it behooves all of the Oahu island senators here to urge the Governor, the appointing authority, to be sure that the five at-large people he appoints will include at least two members representing the at-large membership from Oahu. That would be an assurance of sorts that outside islanders would not have the monopoly on votes."

At this time, Senator King rose and spoke as follows:

"Mr. President, I'd like to speak again against point number 4 on the proposed amendment.

Although I said a minute ago that because of the time element that

it might be better not to do this, I wonder if you would look at the amendment that I introduced yesterday on this same section. I feel that this aspect of it is of such importance that the matter of saving a little time one way or the other should not prevail because I feel it's very crucial.

The Administration's bill as it came down locked out a lot of people. The intent of the Ecology, Environment and Recreation Committee and the intent of the Economic Development Committee, as I understood it, was to let these people in. This proposed amendment doesn't do it. The one that I am suggesting does simply by saying 'citizens or representatives of citizens or community groups'; so if the language of the amendment that I introduced yesterday, the introduction to it, allows us to vote on this as an amendment to point 4 on this amendment, I would like to proceed accordingly that point 4 on Senator F. Wong's amendment be amended in accordance with the amendment that I submitted yesterday to amend this same section."

Senator King then offered the following amendment to the amendment:

The amendment to the amendment to H.B. No. 1870, H.D. 1, S.D. 2 (as offered by Senator F. Wong) is amended as follows:

"Delete Number 4 and insert the following:

'(e) At the hearing the commission shall accept written testimony or call as its witnesses citizens or representatives of citizen or community groups who indicate a desire to express their views concerning the proposed boundary change. The commission may limit cross examination of such witnesses by the parties to the proceedings except as is necessary for a full disclosure of the facts.'"

Senator King moved that the amendment to the amendment be adopted, seconded by Senator Chong.

Senator F. Wong then rose to speak against the proposed amendment to the amendment as follows:

"Mr. President, I rise to speak against the proposed amendment to the amendment.

There are two major defects in the amendment. First, it provides

for written testimony to be submitted at the public hearing. This has been shown to be unconstitutional under a quasi-judicial hearing because there is not the right to cross-examine.

Second, limiting the right of cross-examination in the last sentence also falls by the wayside as being unconstitutional in an adversary hearing.

I think that the amendment as originally offered by me provides for the adequate safeguards so that all points of view can be taken into consideration.

Thank you."

Senator King then rose and responded as follows:

"Mr. President, I have already spoken twice, but may I respond to the prior speaker's point about written testimony.

The Land Use Commission has its own rules and regulations. If written testimony is allowed to be submitted by someone who for a valid reason couldn't be present, the Land Use Commission's regulations could easily provide that interrogatories be subsequently taken because there is a time span after the actual hearing date before the commissioners meet to make their decisions. Therefore, I think the point about the unconstitutionality and the limitations of the quasi-judicial procedure would not apply.

The main intent of this is that it would allow any individual to participate; and if we don't adopt the amendment to the amendment and simply go along with the amendment, we are shutting that door in the faces of individual citizens who would like to take part."

The motion to adopt the amendment to the amendment was put by the Chair, and Roll Call vote having been requested, the motion failed to carry on the following showing of Ayes and Noes:

Ayes, 7. Noes, 18 (Ching, Hara, Hulten, Henderson, Kawasaki, Nishimura, O'Connor, Rohlifing, Saiki, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yee, Young and Ushijima).

The motion to adopt the amendment to H.B. No. 1870, H.D. 1, S.D. 2, as proposed by Senator F. Wong, was put the Chair and carried.

At this time, Senator Rohlfling offered the following amendment to H.B. No. 1870, H.D. 1, S.D. 2:

"H.B. 1870, H.D. 1, S.D. 2, Page 10, is amended to read as follows:

'petition shall be served on the county planning commission and the county planning department and all persons with a property interest in the land recorded at the department of taxation. In addition, such notice shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings, and shall be published at least once in a newspaper in the county in which the land sought to be redistricted is situated as well as once in a newspaper of general circulation in the State at least twenty days in advance of the hearing. The notice shall comply with the provisions of section 91-9, shall indicate the time and place that maps showing the proposed district boundary may be inspected, and further shall inform all interested persons of their rights under subsection (d) of this section.

(d) Any other provisions of law to the contrary notwithstanding, agencies and persons may intervene in the proceedings in accordance with this subsection.

(1) The petitioner, the department of planning and economic development, the Hawaii housing authority and the county planning department shall in every case appear as parties and make recommendations relative to the proposed boundary change.

(2) All departments and agencies of the State and of the county in which the land is situated shall be admitted as parties upon timely application for intervention.

(3) All persons who have some property interest in the "

Senator Rohlfling moved that the amendment be adopted, seconded by Senator Leopold.

Senator Rohlfling then rose and spoke in favor of the amendment as follows:

"Mr. President, I would like to explain the basis for the amendment and what it proposes to do.

The only change on page 10 as proposed by this amendment is the insertion of the words 'the Hawaii

housing authority' in the sub-paragraph number 1 under (d). This particular part of the bill permits or rather directs the petitioner, the department of planning and economic development and the county planning departments to appear as parties in the case and to make recommendations relative to proposed boundary changes.

Mr. President, I think that there is ample evidence in the course of history of the Land Use Commission both here and with similar such commissions in other states to identify that there are roughly three different issue publics -- people in the community who identify with one general group or another that are involved in the course of a land use hearing.

Although they aren't always all involved, everyone knows that there is a group that is sympathetic to the developers, call it the financial interest or, if you will, the establishment. In issue group two are the environmentalists, many of which are national organizations or supported by resources in the community broader than an individual or very small group. The third issue public in the local area is the community council or community associations which are concerned about the future of their localities. At one time or another, the locality may agree with the development side or the environmentalists.

The larger groups, of course, are the first two I mentioned. The third appears occasionally and then recedes and disappears into the background when the issues do not affect that locality.

This is all preliminary to saying that there is a fourth group. It is seldom, if ever, represented in the proceedings before the Land Use Commission and such similar-type agencies. This is the group that is looking for housing, low-cost housing if there is still such a thing in this day and age. I did not know who to identify, who would represent that group throughout this community because although there are regional housing councils and there have been private organizations that have had housing concerns at one time or another, these agencies today do not seem to have any consistent position or disability.

Consequently, in trying to bring about some input into the decisions of the Land Use Commission on these various issues from those who know, or supposed to know, the law about the problems of providing low-cost

housing, I was only able to come up with Hawaii Housing Authority as being most knowledgeable in this field at the present time. Although it is true that the Hawaii Housing Authority can submit its own application for intervention, my personal feeling is that they would hesitate to do so and that they would not get involved unless they were directed to do so, as would be the case under the amendment which I am proposing.

I think that it is time that we realize that the Land Use Commission makes some very, very important decisions that affect a large block of citizens of this state who are not adequately represented in those proceedings. I believe that this amendment is an attempt to provide at least a vehicle for those people to have their interests represented and have someone look out for the housing side of the equation.

Thank you, Mr. President."

Speaking against the amendment, Senator F. Wong then stated:

"Mr. President, I rise very briefly to speak against the amendment.

As Senator Rohlfling pointed out, the Hawaii Housing Authority upon application shall be admitted as a party pursuant to paragraph 2.

I think the statements made by the distinguished Senator from the Seventh Senatorial District are well taken. However, it would place an unreasonable burden upon the Hawaii Housing Authority to act on applications regarding down-zoning from conservation to agriculture or from agriculture to rural. In all those matters, the Hawaii Housing Authority would not have an interest. To require them to be a party, as is suggested by the amendment, is an unreasonable burden."

The motion to adopt the amendment was put by the Chair and, Roll Call vote having been requested, the motion failed to carry on the following showing of Ayes and Noes:

Ayes, 4. Noes, 21 (Anderson, Ching, Hara, Henderson, Hulten, Kawasaki, King, Kuroda, Nishimura, O'Connor, Saiki, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yee, Yim, Young and Ushijima).

Senator Rohlfling then offered the following amendment to H.B. No. 1870, H.D. 1, S.D. 2:

"H.B. 1870, H.D. 1, S.D. 2, Page

16, is amended to read as follows:

'and districting of all lands and of the regulations at the end of each five years following the adoption thereof. The assistance of appropriate state and county departments shall be secured in making this review and public hearings shall be held in each county in accordance with the requirements set forth for the adoption in final form of district boundaries and regulations under this chapter.'

SECTION 10. Chapter 205, Hawaii Revised Statutes, is amended by adding thereto a new section to be appropriately designated and to read:

'Sec. 205- Adoption of interim statewide land use guidance policy. The legislature hereby adopts the following as interim statewide land use guidance policy set forth in this section. The Land Use Commission shall observe and comply with these interim statewide land use guidance policies during the period commencing from the effective date of this Act until the effective date of the permanent statewide land use guidance policy set forth in section 205-

INTERIM STATEWIDE  
LAND USE  
GUIDANCE POLICY

The interim policies are:

(1) Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.'"

Senator Rohlfling moved that the amendment be adopted, seconded by Senator George.

Senator Rohlfling then rose and spoke in favor of the amendment as follows:

"I believe this amendment is clear from any reading in what it does in that we have been discussing in committee and outside of committee the term 'insofar as practicable'.

The amendment offered by Senator F. Wong eliminated a paragraph which would have stated that the Land Use Commission would have to follow these various policies until the ultimate plans were adopted. In other words, the Land Use Commission

would have to follow the interim statewide land use guidance policy in every case.

That being eliminated, the critical paragraph which deals with whether or not the Land Use Commission is going to follow the interim policies established by this statute in this amendment begins with 'Section 205-... Adoption of interim statewide land use guidance policy.' The language, 'The Land Use Commission shall, insofar as practicable, observe and comply with these interim statewide land use guidance policies', modifies every provision thereafter within the state land use guidance policies. That policy in itself is not really determinative of every issue. If you read those policies, you will find that it is in many cases a laundry list of trying to balance the various interests that would be involved in any hearing before the Land Use Commission.

But to insert at the beginning and as controlling language over all of those policy decisions one through nine or so on the next page is to, in my judgment, open a hole that you could drive a tiger tank, the Viet Cong, and the whole North Vietnamese Army if you believe in trying to follow the guidance policies that we are establishing, because 'insofar as practicable' is probably the widest legal terminology that can be used.

It is my opinion that we are really going through an exercise in futility. We think that we are adopting policies and guiding this Land Use Commission; and even in the purposes section of the statutes, there is reference to the fact that there are these various proven facts in established policies for which the Land Use Commission can make its impartial decision. Well, if it is only 'insofar as practicable' that we follow these policies, then in fact it is whatever they want to decide on the basis of whatever they want to decide.

One obvious improvement in this proposed statute is that there must be findings of fact and conclusions of law. But as to what; as to what policies; as to what established proven policies and direction. Obviously, it is the interim statewide land use guidance policy. But that is only 'insofar as practicable'. So what do we do? We go around in a circle, and we are convincing ourselves we are doing something that is major in this legislation. I don't think so. I think we are

only fooling ourselves. And unless we correct that and take out the 'insofar as practicable', and we say in fact that the Land Use Commission shall observe and follow these policies until more formal policies are adopted on a longer range basis, then we are wasting our time."

At this time, Senator F. Wong rose and spoke against the amendment as follows:

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

Very briefly, your Committee on Economic Development, in trying to come up with some meaningful interim guideline policies, has looked at various studies prepared by the State including the recommendations that were made by the Temporary Commission on Environmental Protection. It looked at the selected growth policy submitted recently to us by the Governor. As you know, the Land Use Commission deals with a wide range of applications not only in urban lands on Oahu, but also lands regarding parcels on Molokai and elsewhere. These interim guidelines were decided by the Committee as being the most meaningful ones that can be drafted at this time.

I would like to respond to Senator Rohlfing's criticism that this provides a loophole whereby a Sherman tank or otherwise can be driven through. This is absolutely not true! Under the quasi-judicial proceedings that we now have, each decision of the Land Use Commission has to be supported by findings of fact and conclusions of law identifying where it has by a preponderance of evidence found in favor or against a petitioner. Again I repeat, it is by the preponderance of evidence any party who disagrees with the findings of fact and the weight of evidence has the right to judicial appeal.

I think to consider the Land Use Commission's actions in the past in voting for this amendment would be erroneous, because what is being created is a body that is accountable and responsible to the people of Hawaii."

Senator Rohlfing then stated:

"Mr. President, I just want to comment briefly.

I think that we have seen through the years that we have dealt with the procedural aspects of land use planning. We established the Land

Use Commission, but we never really gave it any direction. We said, 'Here, you guys; go decide this. It is too hard for us to decide. We see a problem over there.'

I was in the Legislature when we adopted that bill in 1961. At that time, the counties were really doing things that they shouldn't be doing; and there also was great pressure to develop the conservation lands, the agricultural lands and so forth. In a sense, the pressure was even greater then than it is now. And we operated through this entire period without the guidelines.

The Land Use Commission has not made definitive rulings or issued opinions, and obviously that part of the bill if it passes will add something. But it does not substitute for lack of policy direction. We are only deceiving ourselves because we've set up a body to make decisions, but we've never given it any policy guidance.

So what do they do? They go on an ad hoc basis -- each case by case. And up to the present time, they haven't even had any history of what they did and who did it. To say 'insofar as practicable' on top of all that, again I say, is self-defeating."

Senator Kawasaki then stated as follows:

"I just want to make one brief statement.

I will vote against this amendment, but I do want to enter into the record at this point that after listening to all this dialogue, that perhaps what is most important in our actions here is that we make sure in the confirmation of the Land Use commissioners' names that are sent down from the Governor's office, that we take great care in ascertaining that these people are well qualified and they will to the best of their ability judge their actions and act in the best public interest.

At this point, I want to criticize the Governor of the State of Hawaii for sending down these names at this late date. He hasn't done it as yet, but I received a letter from the Governor pointing out some names that he wishes to submit to us for the Board of Regents and for the Land Use Commission. I want to get the message to the Governor very clearly that for important positions such as the Land Use commissioners,

it is imperative that he send these names down to us fast enough so we can have meaningful hearings in which to consider their qualifications. If he does not get confirmation on some of these people, then he's got no one else to blame but himself."

The motion to adopt the amendment was put by the Chair, and Roll Call vote having been requested, the motion failed to carry on the following showing of Ayes and Noes:

Ayes, 7. Noes, 18 (Ching, Hara, Henderson, Hulten, Kawasaki, Kuroda, Nishimura, O'Connor, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yee, Yim, Young and Ushijima).

Senator King then offered the following amendment to H.B. No. 1870, H.D. 1, S.D. 2:

"Amend SECTION 5 of the quoted Sec. 205-4 on Page 13, Line 8, to read as follows:

'(h) Any person who participated or attempted to participate in proceedings to amend land use district boundaries may obtain judicial review thereof in the manner set forth in section 91-14, Hawaii Revised Statutes.'"

Senator King moved that the amendment be adopted, seconded by Senator Chong.

Senator King then explained the amendment as follows:

"This amendment is a very simple one attempting again to open the door to people. This deals with page 17 of the bill.

In respect to who may participate in judicial review, the bill now says that 'parties to proceedings to amend the land use district boundaries may obtain judicial review'. My amendment would say that 'any person who participated or attempted to participate in proceedings' may obtain judicial review. I feel this is very important, Mr. President.

The parties to proceedings are very limited since the bill already provides that if someone is already presenting the point of view, the Land Use Commission can say to another person very much interested in presenting his point of view, 'Sorry, someone else is presenting that point of view, so we are not going to let you in.' Therefore, that door would be shut.

Then we go on to say that only those that the Land Use Commission



let in may obtain judicial review. These parties that we allow in under the existing bill are not even the people that we allow in in a limited fashion in the Section (e) amendment discussed earlier. So what my amendment would say is not everybody but anybody who participated or attempted to participate might obtain judicial review.

I would urge an Aye vote on the amendment, Mr. President."

Speaking against the amendment, Senator F. Wong then rose and stated as follows:

"Mr. President, I rise again to speak against the amendment.

The provisions of Section 4 which calls for the free intervention of parties provides a far greater participation by the public than now enjoyed under our land use bill. To require that any party be permitted to appeal the decisions of the Land Use Commission would add chaos to the proceedings. And for that reason, Mr. President, I urge that the amendment be defeated."

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

Senator King then offered the following amendment to H.B. No. 1870, H.D. 1, S.D. 2:

"Amend SECTION 10 of the quoted Chapter 205, page 16a, line 19, to read as follows:

'(8) Agricultural lands shall not be reclassified as urban lands.'

(8), page 16a, then becomes (9)."

Senator King moved that the amendment be adopted, seconded by Senator Chong.

Senator King then rose and spoke in favor of the amendment as follows:

"This amendment deals with page 16a, and it amends Section 10. This is under the interim land use policies simply saying that agricultural lands will not be reclassified as urban lands. This provision would apply during the one and a half years remaining between the time the bill is adopted and the time that the permanent land use policy takes place.

I feel it is very important, Mr. President, to protect our agricultural lands during this period because

that is where the tremendous pressure is to develop lands. The State right now is beginning to reverse gears in terms of its ideas about growth, and growth meaning progress. We have a new state philosophy of slowed growth which is enunciated by the Administration. Because of that, because we have just had a five-year boundary review, and because only a year and a half remain in this interim period, I feel it is very crucial that during this small space of time we don't pull any more lands out of agriculture.

The Department of Planning and Economic Development's own study, central Oahu planning study, says, for example, that the number of housing units planned for lands already in the urban land use district is sufficient to accommodate housing needs for Oahu based on an eighteen-year projection of population growth. Right now, I am just talking about a year and a half.

The open space study that this Body commissioned says that when we enacted the land use law in 1961, we asked them to put sufficient land in urban for ten years. But the study found that when the permanent urban districts were created in 1964, sufficient reserve land for three times the projected ten-year population was set aside. Presently, I am only talking about a year and a half, Mr. President.

Just the other day in testimony before the Senate Housing Committee on House Bill 1900 which attempts to take lands out of agriculture, Blackie Yanagawa said, 'There's enough Oahu lands zoned urban to provide gap group housing without condemning agricultural land.' There are a number of ways, he said, to really lower the cost of housing without depending upon agricultural land.

Therefore, it is just for this year and a half, so let's not take any more agricultural land out of agriculture so that when we come up with the permanent policy, we won't say, 'Oh, yes, we wished we'd saved that, but it's gone.' "

Senator F. Wong then rose to speak against the amendment as follows:

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

As I have said earlier, in order for agricultural lands to be urbanized, it will require that there not only

be a reasonable need but there be the preponderance of evidence to support that application. Furthermore, Mr. President, this is a statewide policy. There are now pending before the Commission petitions involving the Island of Kauai that would be adversely affected by this amendment. Furthermore, there would be considerations of land on other islands outside of Oahu that would also be adversely affected by this amendment.

For those reasons, I urge this Body to vote against this amendment."

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

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 708 was received and placed on file, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1870, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION".

At 1:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 1:27 o'clock p.m., the Senate reconvened.

### THIRD READING

House Bill No. 851, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 851, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOND REQUIREMENTS OF COLLECTION AGENCIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1872, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1872, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF VARIOUS BOARDS AND COMMISSIONS IN THE DEPARTMENT OF REGULATORY AGENCIES", was recommitted to the Committee on Judiciary.

House Bill No. 612, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 612, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL INJURIES COMPENSATION LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

House Bill No. 142, H.D. 2:

By unanimous consent, consideration of H.B. No. 142, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DECEPTIVE SALES PRACTICES", was deferred until Wednesday, April 2, 1975.

House Bill No. 1572, H.D. 1, S.D. 1:

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, H.B. No. 1572, H.D. 1, S.D. 1, 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, 25. Noes, none.

House Bill No. 1528:

By unanimous consent, consideration of H.B. No. 1528, entitled: "A BILL FOR AN ACT TO REPEAL CHAPTER 71, HAWAII REVISED STATUTES, RELATING TO ARTESIAN WELL CONTROL", was deferred until Wednesday, April 2, 1975.

### MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 10 to 15) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Carl Albert, Speaker of the United States House of Representatives (Misc. Com. No. 10), acknowledging receipt of Senate Resolution No. 172 (1975), was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 11), acknowledging receipt of Senate Resolution Nos. 63 and 179 (1975), was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 12), acknowledging receipt of Senate Resolution No. 158 (1975), was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 13), acknowledging receipt of Senate Resolution No. 187 (1975), was placed on file.

A communication from the Honorable Patsy T. Mink, United States Congresswoman (Misc. Com. No. 14), acknowledging receipt of Senate Resolution No. 158 (1975), was placed on file.

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 15), acknowledging receipt of Senate Resolution No. 310 (1975), was placed on file.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No.  
802 (S.R. No. 276, S.D. 1):

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted, and Roll Call vote having been requested, S.R. No. 276, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON CONSUMER PROTECTION, THE DEPARTMENT OF

PLANNING AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF AGRICULTURE TO INVESTIGATE THE HIGH COST OF FOOD IN HAWAII AND THE RESULTANT INEQUITIES TO THE PEOPLE OF THIS STATE", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senate Bill No. 42, S.D. 2, H.D. 1:

By unanimous consent, consideration of S.B. No. 42, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", was deferred until Wednesday, April 2, 1975.

At 1:38 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 1:43 o'clock p.m., the Senate reconvened.

ADJOURNMENT

At 1:44 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., Wednesday, April 2, 1975.