

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
SEVENTH LEGISLATURE
STATE OF HAWAII
SPECIAL SESSION OF 1974

Convened Tuesday, June 18, 1974
Adjourned Wednesday, June 19, 1974

CERTIFICATE

We hereby certify that the minutes for each day's session as the same appears in this Journal of the House of Representatives are true and correct and that the originals thereof have been duly signed by the Speaker and Clerk of the House of Representatives of the State of Hawaii, Special Session of 1974, and are on file in the Archives of the State of Hawaii.

Speaker, House of Representatives

A handwritten signature in black ink, appearing to read "Lono P. P. P.", written in a cursive style.

Clerk, House of Representatives

A handwritten signature in black ink, appearing to read "George H. J. J.", written in a cursive style.

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**THE
SEVENTH LEGISLATURE
STATE OF HAWAII
SPECIAL SESSION OF 1974
JOURNAL OF THE HOUSE**

FIRST DAY

Tuesday, June 18, 1974

In accordance with the provisions of Section 17, Article III of the Constitution of the State of Hawaii, the House of Representatives of the Seventh Legislature of the State of Hawaii convened in Special Session on Tuesday, June 18, 1974, for the consideration of veto messages.

The Honorable Tadao Beppu, member from the Tenth Representative District, he having been elected Speaker of the House of Representatives on the opening day of the Seventh State Legislature and retaining that position under the provisions of Rule 1 of the Rules of Procedure of the House of Representatives, called the House to order at 9:00 o'clock a.m.

The Divine Blessing was invoked by Representative Akira Sakima, a member of the Reorganized Church of Jesus Christ of Latter Day Saints, after which the Roll was called showing all members present with the exception of Representatives Oda and Yamada, who were excused.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 1) returning the following bills without his approval and with his statement of objections relating to said measures:

S.B. No. 17, entitled: "RELATING TO THE BOARD OF PAROLES AND PARDONS";

S.B. No. 599, entitled: "RELATING TO PUBLIC ASSISTANCE FOR MEDICAL CARE";

S.B. No. 964, entitled: "RELATING TO STATE PARKS, RECREATION AREAS AND HISTORIC OBJECTS AND SITES AND THE ESTABLISHMENT OF A STATE PARK RANGER CORPS";

S.B. No. 1408-74, entitled: "RELATING TO THE ESTABLISHMENT OF RESEARCH AND DEVELOPMENT INDUSTRY COORDINATOR";

S.B. No. 1673-74, entitled: "RELATING TO FISH AND GAME";

S.B. No. 2197-74, entitled, "RELATING TO THE HORIZONTAL PROPERTY ACT";

H.B. No. 220, entitled: "RELATING TO THE HAWAII EMPLOYMENT RELATIONS ACT";

H.B. No. 692, entitled: "RELATING TO THE EMPLOYMENT OF NONCERTIFICATED PERSONNEL";

H.B. No. 2056-74, entitled: "RELATING TO HAWAII HOUSING AUTHORITY";

H.B. No. 2584-74, entitled: "RELATING TO THE ADMINISTRATION OF GENERAL ASSISTANCE TO NEEDY PERSONS";

H.B. No. 2428-74, entitled: "RELATING TO ABANDONED VEHICLES";

H.B. No. 2584-, entitled: "RELATING TO DISTRICT COURT JUDGES";

H.B. No. 2864-74, entitled: "RELATING TO CIVIL SERVICE AND EXEMPTIONS"; and

H.B. No. 2865-74, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES",

was read by the Clerk and was placed on file.

ORDER OF THE DAY

STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1) informing the House that Governor's Message Nos. 1 to 14 have been printed and distributed.

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

INTRODUCTION OF RESOLUTION

A concurrent resolution (H.C.R. No. 1) relating to the establishment of a conference committee on House Bill No. 2428-74 was jointly offered by Representatives Beppu, de la Cruz, O'Connor, Kimura and Oda and was read by the Clerk.

On motion by Representative O'Connor, seconded by Representative J. Garcia and carried, H.C.R. No. 1 was adopted.

At 9:05 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:06 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Oda and Yamada.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 1) informing the House that in accordance with House Concurrent Resolution No. 1, to establish a conference committee on House Bill No. 2428-74, H.D. 1, S.D. 2, C.D. 1, Senators Toyofuku, Chairman; Yamasaki and Rohlfing were appointed as Managers on the part of the Senate for the consideration of said amendments.

In accordance therewith, Representatives Kato, Chairman; Sakima and Oda were appointed as Managers on the part of the House for the consideration of said amendments.

A communication from the Senate (Sen. Com. No. 2) returning House Concurrent Resolution No. 1 which was adopted by the Senate on June 18, 1974, was placed on file.

At 9:07 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 9:10 o'clock a.m., the House of Representatives reconvened.

CONFERENCE COMMITTEE

REPORT

Representative Kato, for the Committee on Conference on House Bill No. 2428-74, H.D. 1, S.D. 2, C.D. 1, returned by the Acting Governor with his statement of objections, presented a report (Conf. Com. Rep. No. 1) recommending to their respective Houses the final passage of the bill with further amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 2428-74, as amended, was deferred until tomorrow, June 19, 1974, and in accordance with Article III, Section 16 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2428-74, H.D. 1, S.D. 2, C.D. 2 were made available to the members of the House at 9:10 o'clock a.m.

ADJOURNMENT

At 9:11 o'clock a.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives adjourned until 9:00 o'clock a.m. tomorrow, June 19, 1974.

SECOND DAY**June 19, 1974**

The House of Representatives of the Seventh Legislature of the State of Hawaii, Special Session of 1974, was called to order at 9:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Richard H. Wasai, after which the Roll was called showing all members present with the exception of Representatives Aki, Kato, Kunimura, Suwa and Uechi who were excused.

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

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

ORDER OF THE DAY**STANDING COMMITTEE REPORT**

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 2) informing the House that H.C.R. No. 1 and Conference Committee Report No. 1 have been printed and distributed.

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

At 9:05 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:10 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Aki, Kato, Kunimura and Suwa.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 on H.B. No. 2428-74, as amended, deferred from June 18, 1974:

Representative Kato moved that the report of the Committee be adopted and H.B. No. 2428-74, as amended, having been read throughout, pass Final Reading, seconded by Representative Sakima.

At this time, Representative Wong rose and inquired whether or not the Chairman of the Committee would yield to questions to which Representative Kato replied in the affirmative.

Representative Wong then stated:

"Mr. Speaker, I would like to call the Speaker's attention to page 2 of the bill

itself, relative to No. 3 and I quote: 'He has not refused to accept employment when offered.' Mr. Speaker, as an example, what if a particular person lives in Waianae and is offered a position at Sea Life Park. Will this particular person be disqualified in receiving general assistance payments?"

Representative Kato replied:

"Mr. Speaker, I do not foresee that situation arising, really. This was a matter of concern to us, as well as to the Administration, when the bill was being worked over and we were assured by the Administration that such a situation would not happen."

Representative Wong then inquired:

"Mr. Speaker, am I to assume that the department will make every effort in the rules adopted, a rule relative to employment of this nature that I mentioned?"

Representative Kato replied:

"That is correct, Mr. Speaker. As a matter of fact, that was precisely a test of reasonableness."

Representative Wong then stated:

"I would like to direct the attention of the Chairman to page 3, line 17, which deals with the disqualification aspect of the law that we are about to pass. Will the provisions to exclude people from receiving general assistance for a period of twelve months... is this constitutional?"

Representative Kato responded:

"As a matter of fact, this particular provision is part of a federal regulation covering welfare."

Representative Wong continued:

"That means, Mr. Speaker, that it does not exceed the 12 months' provision. My understanding is that it would be deemed unconstitutional—is that the reason for the twelve months' provision?"

Representative Kato responded:

"Mr. Speaker, the question of unconstitutionality—if, whether, its disqualification for 16 months or 18 months may or may not be unconstitutional. I don't think this has ever been questioned, Mr. Speaker."

Representative W. Chong then rose and inquired whether or not the Chairman of the Conference Committee would yield to questions

to which Representative Kato replied in the affirmative.

Representative W. Chong then inquired:

"If an able-bodied person is unemployed but the recipient wants to work and is unable to find a job, will he be disqualified from benefits?"

Representative Kato replied:

"Assuming he fulfills the rest of the conditions listed in the measure, Mr. Speaker."

Representative W. Chong asked Representative Kato to reiterate to which Representative Kato replied:

"I believe the question called for was, Mr. Speaker, if he cannot find a job, will he be disqualified? He would, of course, have to exhaust any unemployment compensation benefits that he may have coming to him. Generally speaking, he will have to take any job that is offered to him. If there are no jobs, he will, of course, qualify."

Representative Cobb then rose and directed his point of information to the Chairman of the Conference Committee:

"Relative to page 4, I don't see any severability clause in the closing paragraphs of the bill and I was wondering why the committee or the Administration felt that a severability clause was not necessary in view of some of the constitutional questions raised."

Representative Kato replied:

"Mr. Speaker, to be very candid about it, we didn't think that it was necessary inasmuch as this bill has been worked over. We feel that the provisions in the bill are all constitutional and valid."

Representative Cobb continued:

"But if any one provision was declared unconstitutional, would the rest of the act be unconstitutional also?"

Representative Kato replied:

"Mr. Speaker, that would be the effect."

Representative Kato then spoke in favor of H.B. No. 2428-74 as follows:

"As the Chairman of the Conference Committee, I think we are spending a lot of money for welfare. H.B. No. 2428-74, C.D. 1 was an attempt to stop the flow of money. In this case, to able-bodied persons on welfare. I thought it did the job, Mr. Speaker. However that may be, there are

other interpretations and the Acting Governor saw fit to interpret it differently and accordingly vetoed the bill.

Without belaboring that point, we have worked out another version of the bill. We have, we feel, met his objections. We made the bill tighter in language and have made it much more workable and fair: Should this bill pass, Mr. Speaker, we will have our able-bodied persons that require them to fulfill certain conditions and if they are met and only if these conditions are met, can they receive general assistance. The passage of this bill will show the people that we in the legislature are still willing to help those who cannot help themselves but are also requiring some self help on the part of the applicant himself.

I thought it was a step in the right direction, Mr. Speaker, when we passed C.D. 1 and I still do. This bill does it perhaps a little better. Perhaps through this measure, we can control our welfare spending. The money that this bill will save is not really an eye-popping amount, but it does establish, I would hope, tighter controls on welfare spending and a trend towards less government assistance or else we may all have a mass of welfare-oriented people applying for assistance and be faced with what may really be called a welfare-oriented generation.

Mr. Speaker, I urge passage of this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2428-74, as amended, having been read throughout, passed Final Reading by a roll call vote of 50 ayes, with Representative Uechi being excused.

The Chair directed the Clerk to note that H.B. No. 2428-74 had passed Final Reading at 9:20 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 3 and 4) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 3) informing the House that the report of the Committee on Conference for the purpose of considering the objections of the Acting Governor to House Bill No. 2428-74, H.D. 1, S.D. 2, C.D. 1, was adopted by the Senate, and House Bill No. 2428-74, H.D. 1, S.D. 2, C.D. 2 passed Final Reading in the Senate on June 19, 1974, was placed on file.

A communication from the Senate (Sen. Com. No. 4) informing the House that the Senate has

completed its business and is ready to adjourn sine die.

Representative Kimura then moved that the House notify the Senate that the House stands ready to adjourn sine die. The motion was seconded by Representative J. Garcia and carried.

At 9:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 9:23 o'clock a.m., the House of Representatives reconvened.

On motion by Representative Kimura, seconded by Representative J. Garcia and carried, the Speaker was authorized to approve the Journal of the House for the Second Day.

ADJOURNMENT

At 9:24 o'clock a.m., on motion by Representative Kimura, seconded by Representative J. Garcia and carried, the House of Representatives of the Seventh Legislature, Special Session of 1974, adjourned sine die.

**GOVERNOR'S MESSAGE
RECEIVED AFTER THE
ADJOURNMENT OF THE
LEGISLATURE SINE DIE**

Gov. Msg. No. 2 from George R. Ariyoshi, Acting Governor of the State of Hawaii, informing the House that he signed House Bill No. 2428-74, entitled: "RELATING TO THE ADMINISTRATION OF GENERAL ASSISTANCE TO NEEDY PERSONS" as Act I.

CONFERENCE COMMITTEE REPORT

Conf. Com. Rep. No. 1 on H.B. No. 2428-74

The purpose of H.B. No. 2428-74, H.D. 1, S.D. 2, C.D. 1, is to exclude from general assistance any person who is physically fit, able to work, and employable with certain exceptions. The exceptions under which a person shall be eligible to receive general assistance is under which a person shall be eligible to receive general assistance is as follows: "...provided the department shall provide general assistance to such person where the department finds that:

- (1) (A) He is unemployed for reasons other than voluntary separation without good cause or for misconduct; and
- (B) He is actively and diligently seeking gainful employment; or
- (2) (A) He has exhausted all of his benefits if he is entitled to such benefits under Chapter 383; and
- (B) He has registered and is available for work as required by Section 383-29 (a) (2) and (3).

Your Committee finds that the provisions of the bill may have inadvertently liberalized the general assistance program, contrary to its original purpose, and thereby allowing persons to "free-load" with their having no intentions to seek or accept gainful employment. The bill actually allows for a person, after exhausting all of his benefits if he is entitled to such benefits under Chapter 383, to merely register and become available for work as required by Section 383-29 (a) (2) and (3). There are no mandatory provisions whereby the person must accept any employment when made available to him.

Your Committee further recognizes the need to correct the problem of "free-loaders" on those persons who are considered "professional recipients", the approach to reducing such abuses should not penalize those who have a real need for assistance who through no fault of their own became unemployed with good cause.

Your Committee upon further consideration has made the following amendments to H.B. No. 2428-74, H.D. 1, S.D. 2, C.D. 1:

- (1) The exceptions under which a person shall be eligible to receive general assistance have been amended to read as follows: "...provided that the department shall provide general assistance to such person where the department finds that:

- (1) He is unemployed for reasons other than voluntary separation without good cause or for misconduct; and
- (2) He is actively and diligently seeking gainful employment; and
- (3) He has not refused to accept employment when offered; and
- (4) He has registered and is available to work as required by Section 383-29; and
- (5) He has exhausted all of his benefits under Chapter 383; provided, however, should the benefits of any person under Chapter 383 be less than those for which he would otherwise be eligible hereunder, he shall be eligible for supplementary General Assistance; and provided further, that this provision of exhaustion shall not apply to those persons not entitled by law to such benefits.

- (2) Further, as a final condition, your Committee has included the following amendments to the present law: Recipients disqualified for failure to comply with any one of the department's work requirements under the provisions of this section shall be excluded from general assistance for a period not to exceed twelve months.

This provision was added to provide the department with the necessary authority to prevent abuse of the program. There are a few who may choose to meet the minimum requirements of law only for the period necessary to immediately qualify and receive benefits... with no intentions ever to seek and accept employment... subsequently return for further benefits as some later date.

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 2428-74, H.D. 1, S.D. 2, C.D. 1, as amended in the form attached hereto as H.B. No. 2428-74, H.D. 1, S.D. 2, C.D. 2, and recommends its passage on final reading.

Representatives Kato, Oda and Sakima,
Managers on the part of the House.

Senators Toyofuku, Rohlfing and Yamasaki,
Managers on the part of the Senate.

STANDING COMMITTEE REPORTS**SCRep. No. 1 Legislative Management**

Informing the House that Governor's Message No. 1 has been printed and distributed.

Signed by all members of the Committee.

SCRep. No. 2 Legislative Management

Informing the House that H.C.R. No. 1 and Conference Committee Report No. 1 have been printed and distributed.

Signed by all members of the Committee.

NUMBER AND TITLE	Introduced Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
220. A Bill for an Act relating to the Hawaii Employment as Act.								1			
692. A Bill for an Act relating to the employment of non- ited personnel.								1			
2056-74. A Bill for an Act relating to Hawaii Housing Authority.								1			
2428-74. A Bill for an Act relating to the administration of assistance to needy persons.								6		1	
2484-74. A Bill for an Act relating to abandoned vehicles.								1			
2584-74. A Bill for an Act relating to district court judges.								1			
2864-74. A Bill for an Act relating to civil service and ions.								1			
2865-74. A Bill for an Act relating to public officers and ees.								1			

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
SB 17. A Bill for an Act relating to the Board of Pardons and Pardons.								1			
SB 599. A Bill for an Act relating to public assistance for medical care.								1			
SB 964. A Bill for an Act relating to State parks, recreation areas and historic objects and sites and the establishment of a State park ranger corps.								1			
SB 1408-74. A Bill for an Act relating to the establishment of research and development industry coordinator.								1			
SB 1673-74. A Bill for an Act relating to fish and game.								1			
SB 2197-74. A Bill for an Act relating to the Horizontal Property Act.								1			

NUMBER AND TITLE	Offered Referred	Report of Committee	Adoption	Action of Senate	Subsequent Action
HCR 1. Relating to the establishment of a conference committee on House Bill No. 2428-74.	1		1	2	