

FIFTY-FOURTH DAY

Thursday, April 3, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 10:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Harold Jones, Director of the Campus Crusade for Christ, after which the Roll was called showing all members present with the exception of Representatives Cayetano and Kondo, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 202 to 213) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 202) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 535 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Richard Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Rohlfing had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Suwa, Chairman; Akizaki, Kiyabu, Inaba, Kihano, Kondo, Kunimura, Mizuguchi, Morioka, Peters, Lunasco, Ajifu, Amaral, Clarke, Hakoda and Kamalii as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 203) informing the House that the Senate had disagreed to the amendments proposed

by the House to Senate Bill No. 1215, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators O'Connor, Chairman; Ching and Rohlfing had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Cayetano, Chairman; Kondo, Takamura and Ajifu as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 204) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 165 and that Senate Bill No. 165, as amended, passed Final Reading in the Senate on April 2, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 205) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 717 and that Senate Bill No. 717, as amended, passed Final Reading in the Senate on April 2, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 206) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1556 and that Senate Bill No. 1556, as amended, passed Final Reading in the Senate on April 2, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 207) transmitting Senate Concurrent Resolution No. 54 requesting the Hawaii Bar Association to study the matter of sponsoring a prepaid legal services program in Hawaii, which was adopted by the Senate on April 2, 1975, was placed on file.

By unanimous consent, further action on S.C.R. No. 54 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 208) returning House Bill No. 108, HD 1, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 209) returning House Bill No. 115, HD 2, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 210) returning House Bill No. 944, HD 1, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 211) returning House Bill No. 1550, HD 1, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 212) returning House Bill No. 1870, HD 1, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 213) returning House Bill No. 1890, HD 1, which passed Third Reading in the Senate on April 2, 1975, in an amended form, was placed on file.

By unanimous consent, H.B. Nos. 108, HD 1; 115, HD 2; 944, HD 1; 1550, HD 1; 1870, HD 1; and 1890, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article 111, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 108, HD 1, SD 1; H.B. No. 115, HD 2, SD 1; H.B. No. 944, HD 1, SD 1; H.B. No. 1550, HD 1, SD 1; 1870, HD 1, SD 3; and H.B. No. 1890, HD 1, SD 1, were made available to the members of the House at 10:30 o'clock a.m.

At 10:45 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:46 o'clock a.m.

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

Representative Akizaki introduced 15 students from Bingham Tract School and their teacher, Mrs. Ellsworth.

Representative Sutton then introduced the Fleet Marine Force

Color Guard from Camp Smith.

Representative Peters then introduced a choral group from Japan which is composed of 20 high school students and students from seven different colleges in Japan. They are part of a cultural exchange program and are being hosted by the Waianae Culture and Arts, State Foundation on Culture and the Arts, Makaha Inn, Al Harrington, Ala Moana Hotel, Sea Life Park, Gus Hanneman and the beloved parents of Nanakuli.

At 10:49 o'clock a.m., the Chair declared a recess, subject to the call of the Chair for the purpose of having the choral group entertain the members of the House.

The House of Representatives reconvened at 10:53 o'clock a.m.

The Chair then stated:

"The Chair would like to also express his appreciation on behalf of the members of the House for such beautiful voices this morning and we welcome you again and again. We hope you have a pleasant journey back home."

At 10:54 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:46 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Cayetano and Kondo.

COMMITTEE REASSIGNMENTS

The following resolution (H.R. No. 669) and concurrent resolution (H.C.R. No. 126) were re-referred as follows:

<u>H.R. No.</u>	<u>Re-referred to:</u>
669	Jointly to the Committees on Agriculture and Judiciary
<u>H.C.R. No.</u>	
126	Jointly to the Committees on Agriculture and Judiciary

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

"Mr. Speaker, I would suggest that on re-referrals such as we are doing here, and likewise yesterday, that the Chairman to whom the bill was referred to make a motion in the Journal that he accepts that re-referral

so it would not be on the Committee report as a referral, please."

The Chair responded:

"These two resolutions are not on the calendar, Representative Soares, and as I indicated earlier, these two resolutions were referred to Agriculture and Judiciary. At this time, these two resolutions will be referred jointly to the same Committees."

Representative Soares then replied:

"Mr. Speaker, I may be out of order and if I am, I would apologize. I notice on the Order of the Day, on page 5--H.C.R. 69 is on the calendar for today, to be referred to Water, Land Use, Development, and Hawaiian Homes, and on the referral calendar, what you are saying is you are going to re-refer it back to the Committee on Culture and the Arts."

The Chair answered:

"We will make that notation at the proper time."

ORDER OF THE DAY

DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 54) was disposed of as follows:

S.C.R. No. Referred to:

54 Committee on Judiciary

COMMITTEE REASSIGNMENT

The following concurrent resolutions were re-referred as follows:

H.C.R. Nos. Re-referred to:

69 Committee on Culture and the Arts

86 Committee on Culture and the Arts

S.C.R. No.

99 Jointly to the Committees on Culture and the Arts and Judiciary

SUSPENSION OF RULES

On motion by Representative

Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

S.B. No. 608, SD 1, HD 2 on Third Reading (Deferred from April 1, 1975):

Representative Roehrig moved that consideration of S.B. No. 608, SD 1, HD 2 be deferred until the end of the calendar and the Chair, noting that there were no objections, so ordered.

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

The House of Representatives reconvened at 12:51 o'clock p.m.

S.B. No. 1212, SD 1, HD 1 on Third Reading (Deferred from April 1, 1975):

Representative Roehrig moved that S.B. No. 1212, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

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

Mr. Speaker, this bill needs to be passed and I am certain that it will pass today. There is one area in this bill which has been left out, and I would like to make a short comment relative to a concern of many of my constituents during the past campaign and that is the fact that the public feels that it is precluded from choice in the matter of primary elections. Under the present law, and without a provision to the contrary in this particular bill, the individuals have to declare their party preference prior to the time that the 'horses are on the track', so to speak."

The Chair interrupted:

"Representative Carroll, the Chair would appreciate it if you will direct your remarks to the contents of the bill."

Representative Carroll continued:

"Mr. Speaker, I am speaking to the contents of the bill and to a glaring deficiency in that bill, and I am speaking in favor of it and let it suffice to say that the fact that this particular measure has been left out--that is, the making of a provision for primary election at the time of the primary date, that is, the date that the primary election is held--precludes many people from making what they consider valid participation in the election process. Because of the absence of this in this bill, I feel that this matter should be addressed. In spite of this deficiency, I would like to ask that everyone vote for this bill. Thank you."

Representative Hakoda, upon being recognized by the Chair, stated:

"I wish to rise to speak in favor of this bill and express some of my concerns."

The Chair directed Representative Hakoda to proceed and stated:

"The Chair would appreciate it if you will limit it to the contents of the bill, if at all possible."

Representative Hakoda continued:

"Will try to do, Mr. Speaker."

Some of the most frequent complaints I received from the voters when I campaigned was their dissatisfaction with the closed primary system. Many feel this law is infringing on their right. They do not feel they should have to publicly declare their party affiliation or they do not feel they should be bound by the ballot they picked up in the previous primary.

We public officials have recently taken action in the direction of open government. There is still another form of openness that we legislators must tackle--an openness that many voters want. Mr. Speaker, I am talking about an open primary. I introduced such a bill but the concept is not included in Senate Bill 1212, SD 1, HD 1. Most of the voters feel that each primary is a new ball game and that they should be able to make their choice up until the time they enter the voting booth.

In conclusion, Mr. Speaker,

I urge that members of this House seriously consider an open primary in the conference discussions. Thank you, Mr. Speaker."

Representative Roehrig then rose and stated:

"Mr. Speaker, just a few remarks about the measure."

I think that our Judiciary Committee understands that there are various areas in our election law that need to be addressed - various very crucial substantive areas.

The bill before us merely has the technical changes for the Election Division to do its business. At the time of our decision making, the Judiciary Committee, on this particular bill, it was the unanimous decision of the Committee that this bill would not contain some of the substantive areas of concern, but that those areas would be addressed next session on an individual basis.

I would like to assure the members of this House that the Judiciary Committee will consider the various areas of substantive concern relating to election law next year. We will do so so that there is the fullest input for those who have concern about such things as the early primary, the nomination process, closed primary process, apportionment of the U.S. House and any other matter that pertains to our vital election system.

Thank you."

Representative Sutton then rose and stated:

"I wish to speak against this bill."

The Congress of the United States of America gave us statehood. When they gave us statehood, they indicated that they thought we were capable of the full democratic process.

There are several members in this body with whom I served in the Constitutional Convention. At the Constitutional Convention we did not remedy the four main points that have been brought out by each one of these speakers that have spoken for. We have a closed primary which denies the right of the individual to the full process. We have a primary that precedes the general by only thirty days. And, in final, the points brought out by my two colleagues that we do not have an adequate space on

filing time. I, therefore, shall vote against this bill."

Representative Cobb then rose and stated:

"I rise to speak in favor of the measure. In doing so, to take note of the fact that in the decision making session of the Judiciary Committee, we agreed unanimously, in an open covenant, openly arrived at, that there would be no substantive changes this year, but that any of the remaining concerns relating to election dates, the manner of nomination or other things would be considered the year following. As a result, it is little surprising to see some opposition from anyone who is a part . . ."

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

"I would like to state the point to the previous speaker in the Judiciary Committee that members of the Republicans do not recollect any such agreement."

The Chair directed Representative Cobb to proceed and in doing so, he continued:

"Insofar as the merits of some of the points that have been brought out that are not contained in the bill, I would have to agree with our Committee Chairman that those are substantive areas where there's a great deal of concern on both sides of the aisle. But the technical changes of this bill are needed now simply because it's going to take a great deal of time, effort and work in order to set up some of the technical mechanisms to conduct an election. And rather than tie with it the controversial matters of substantive, I think it is far better that we pass this particular measure this year and get on with the business of substantive in a year when we're all standing for election."

Thank you."

Representative Kunimura then rose and stated:

"A previous minority member stated, made reference to the Constitutional Convention, and I don't want this body to understand that the Constitutional Convention neglected its responsibility

in not correcting this."

It was the decision of the majority of the Constitutional Convention not to put it in the State Constitution of the State of Hawaii that Hawaii shall have open primaries.

Mr. Speaker, historically, the primary election is not really a true election. It started out, the birth of this nation, in many forms - by convention, and in some areas not even convention, but by choice of a few people. We've come a long way. And, as I remember, our election process, as you look back in the history of Hawaii, we've had at one time, a closed primary with only a black line between the parties, and this system afforded the people of Hawaii to spoil their ballots. Under the system we are today, is a little better one because you make your declaration and you choose the ballot.

Mr. Speaker, in the past history of Hawaii, twice that I can remember, during closed primaries, we've had the present Mayor of Honolulu nominated twice and defeated in the general election; one, against the great Mayor of the City and County of Honolulu, Johnny Wilson; the next time, Senator Heen. We don't want anything like this to happen.

I think election is a matter of choice. But, many times people have used the ballot and the other form, as we didn't close the date prior to nomination so that they can make a negative approach in the electoral process.

So, Mr. Speaker, I support this bill. The system we have now is a valid one."

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

"Mr. Speaker, the point is, I was directed to confine my remarks to the merits of the bill and, I think, the previous speaker from Kauai is going all over the ball park, and I think what is sauce for the goose . . ."

The Chair then stated:

"Representative Carroll, the Chair was very liberal with you. The Chair allowed you to finish your speech in its entirety."

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

"His choice of going all over the park is a matter of opinion."

The motion was put by the Chair and carried and S.B. No. 1212, SD 1, HD 1 passed Third Reading by a vote of 47 ayes to 1 no, with Representative Sutton voting no, and Representatives Blair, Segawa and Uechi being excused.

Stand. Com. Rep. No. 738 on S.B. No. 332 (Deferred from April 2, 1975):

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 332, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Blair, Segawa and Uechi being excused.

Stand. Com. Rep. No. 739 on S.B. No. 228, HD 2 (Deferred from April 2, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 228, HD 2, having been read throughout, passed Third Reading by a vote of 43 ayes to 3 noes, with Representatives Larsen, Takamine and Yuen voting no, and Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 743 on S.B. No. 335 (Deferred from April 2, 1975):

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 335, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 744 on S.B. No. 537 (Deferred from April 2, 1975):

On motion by Representative Roehrig, seconded by Representative

Cobb and carried, the report of the Committee was adopted and S.B. No. 537, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 745 on S.B. No. 534, SD 1 (Deferred from April 2, 1975):

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 534, SD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 746 on S.B. No. 1049, SD 1 (Deferred from April 2, 1975):

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1049, SD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 752 on S.B. No. 1046, SD 1, HD 1 (Deferred from April 2, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1046, SD 1, HD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Blair, Fong, Oda, Segawa and Uechi being excused.

Stand. Com. Rep. No. 753 on S.B. No. 591, SD 2, HD 1 (Deferred from April 2, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 591, SD 2, HD 1, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Blair, Fong, Segawa and Uechi being excused.

Stand. Com. Rep. No. 754 on S.B. No. 1323, SD 1, HD 1 (Deferred from April 2, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1323, SD 1, HD 1, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Blair, Fong, Segawa and Uechi being excused.

Stand. Com. Rep. No. 755 on S.B. No. 1458 (Deferred from April 2, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1458, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Blair, Fong, Segawa and Uechi being excused.

Stand. Com. Rep. No. 757 on S.B. No. 1665, SD 2, HD 1 (Deferred from April 2, 1975):

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1665, SD 2, HD 1, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Blair, Fong, Segawa and Uechi being excused.

The Chair directed the Clerk to note that S.B. Nos. 1212, SD 1, HD 1 and 332 had passed Third Reading at 1:04 o'clock p.m.; S.B. Nos. 228, HD 2, 335, 537, 534, SD 1 at 1:05 o'clock p.m.; S.B. Nos. 1049, SD 1 and 1046, SD 1, HD 1 at 1:06 o'clock p.m.; and S.B. Nos. 591, SD 2, HD 1, 1323, SD 1, HD 1, 1458 and 1665, SD 2, HD 1 at 1:08 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 758) informing the House that House Resolution Nos. 769 to 772, and Standing Committee Report Nos. 759 to 779, have been printed and distributed.

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

At 1:09 o'clock p.m., the Chair

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

The House of Representatives reconvened at 1:10 o'clock p.m.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 759) recommending that S.B. No. 1200, SD 2, pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and S.B. No. 1200, SD 2, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 4, 1975, with Representative Sutton voting no.

Representative Shito, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 760) recommending that S.B. No. 19, SD 2, pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the majority of the Committee was adopted and S.B. No. 19, SD 2, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 4, 1975.

At 1:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

Representative Inaba, for the joint Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 761) recommending that S.B. No. 1577, SD 1, pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Inaba, seconded by Representative Kawakami and carried, Stand. Com. Rep. No. 761 and S.B. No. 1577, SD 1, HD 1, were recommitted jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes.

The Chair directed the Clerk to note that printed copies of S.B.

No. 1200, SD 2, HD 1 and S.B. No. 19, SD 2, HD 1 were made available to the members of the House at 10:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 762) recommending that S.B. No. 1326, SD 2, HD 1, pass Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 762 on S.B. No. 1326, SD 2, HD 2, was deferred until tomorrow, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1326, SD 2, HD 2, were made available to the members of the House at 10:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 763) recommending that S.B. No. 553, SD 1, HD 1, pass Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 763 on S.B. No. 553, SD 1, HD 2, was deferred until tomorrow, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 553, SD 1, HD 2, were made available to the members of the House at 10:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 764) recommending that S.B. No. 91, SD 3, HD 1, pass Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 764 on S.B. No. 91, SD 3, as amended, was deferred until tomorrow, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 91, SD 3, HD 2, were made available to the members of the House at 10:30 o'clock a.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 765) recommending that H.R. No. 654 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes.

On motion by Representative Naito, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 654 was referred to the Committee on Water, Land Use, Development, and Hawaiian Homes.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 766) recommending that H.C.R. No. 69 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, with certain amendments.

At 1:13 o'clock p.m., on request by Representative Ho, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:24 o'clock p.m.

Representative Ho moved that the report of the Committee be adopted and notwithstanding the recommendation of the Committee that H.C.R. No. 69, as amended, be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, that H.C.R. No. 69, as amended, be adopted, seconded by Representative Abercrombie.

Representative Kawakami then waived referral of H.C.R. No. 69, as amended, to the Committee on Water, Land Use, Development, and Hawaiian Homes.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.C.R. No. 69, as amended, was adopted.

Representative Ho, for the majority of the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 767) recommending that H.C.R. No. 86 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, with certain amendments.

Representative Ho moved that the report of the Committee be adopted and notwithstanding the recommendation of the majority of the Committee that H.C.R. No. 86, as amended, be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, that H.C.R. No. 86, as amended, be adopted, seconded by Representative Abercrombie.

Representative Kawakami then waived referral of H.C.R. No. 86, as amended, to the Committee on Water, Land Use, Development, and Hawaiian Homes.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the majority of the Committee was adopted and notwithstanding the recommendation of the majority of the Committee, H.C.R. No. 86, as amended, was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 768) recommending that H.C.R. No. 43 be adopted with certain amendments.

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

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 769) recommending that H.C.R. No. 109 be adopted.

On motion by Representative Kunimura, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 109 was adopted.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 770) recommending that H.C.R. No. 128 be adopted.

Representative Kondo moved that the report of the Committee be adopted and that H.C.R. No. 128 be adopted.

Representative Abercrombie then rose and stated:

"I wish to speak against this resolution. The reason is, Mr. Speaker, some may recall hearings held here last year by the Congress of the United States - Senator Beaden from Delaware was here; Senator Muskie from Maine.

At that time, testimony was taken concerning the secondary sewage, and as a result of that hearing, and as a result of research on my part, since then I remain unconvinced that the Committee

Report, Section 1, which says, 'effluent from an advanced primary process will be discharged at a substantial depth several thousand feet from the shore and would provide much-needed nutrients to the ocean without harming the surrounding environment', is, in fact, true. As a victim myself of a viral attack, in all likelihood from viruses which remain in the ocean water beyond that time when some people thought they would be still alive, when we serve increasing population, when we have more and more tourists coming, when we're discharging more and more sewage into the ocean, I think it's, at best, cavalier and, at worst, positively dangerous not to consider the necessity of a secondary treatment plant - no matter what the cost, if the result may be diseases and, in fact, at one time in the future, perhaps the destruction of a portion of our tourist industry. Therefore, Mr. Speaker, I would vote 'no' on H.C.R. No. 128 and on the one to follow, also, H.R. No. 686."

The motion was put by the Chair and the report of the Committee was adopted and H.C.R. No. 128 was adopted, with Representative Abercrombie voting no.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 771) recommending that H.R. No. 686 be adopted.

On motion by Representative Kondo, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 686 was adopted, with Representative Abercrombie voting no.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 772) recommending that H.R. No. 335 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 335, as amended, was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 773) recommending that H.R. No. 587 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura

and carried, the report of the Committee was adopted and H.R. No. 587 was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 774) recommending that H.R. No. 652 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 652 was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 775) recommending that H.R. No. 651 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 651 was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 776) recommending that H.R. No. 526 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 526 was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 777) recommending that H.R. No. 656 be adopted.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 656 was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 778) recommending that H.R. No. 228 be adopted with certain amendments.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 228, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 779) recommending

that S.B. No. 1679, SD 1, pass Second Reading and be placed on the calendar for Third Reading with certain amendments.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 1679, SD 1, as amended, pass Second Reading and was placed on the calendar for Third Reading tomorrow, April 4, 1975.

The Chair directed the Clerk to note that printed copies of S.B. No. 1679, SD 1, HD 1 were made available to the members of the House at 10:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 773 and 774) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 773) commemorating April 6th in recognition of the observance of the birth of Siddhartha Gautama was jointly offered by Representatives Suwa, Abercrombie, Akizaki, Cobb, Garcia, Ho, Inaba, Kawakami, Kiyabu, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Peters, Roehrig, Segawa, Stanley, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.R. No. 773 was adopted.

A resolution (H.R. No. 774) congratulating the Nanakuli High School Golden Hawks for winning the State Class A Basketball Championship was jointly offered by Representatives Peters, Ho, Akizaki, Blair, Cayetano, Inaba, Kawakami, Kimura, Kiyabu, Larsen, Lee, Machida, Morioka, Naito, Oda, Sakima, Santos, Shito, Soares, Suwa, Uechi, Ushijima and Yuen.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 774 was adopted.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 1624, HD 1

Representative Roehrig moved that S.B. No. 1624, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

At 1:33 o'clock p.m., upon request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

The House of Representative reconvened at 1:38 o'clock p.m.

Representative Cayetano then rose and stated:

"I rise to speak against this bill.

Mr. Speaker, the bill presents a philosophical question: Will it provide, in that it mandates the review by our courts, of all those who are incarcerated in our prisons at the present time who were sentenced prior to the adoption of the penal code? My objections to this bill, Mr. Speaker, is that it has some serious technical, as well as, philosophical defects.

One, we don't know what the money implications are. It may be somewhat crass to relate financial consideration to due process of law, Mr. Speaker, but I think most of us here realize that administration of justice costs money. I would like to know who will provide the attorneys to petition the courts or to represent the prisoners. I understand there are some 115 of them before our courts. Who will pay for the transcripts?

Furthermore, Mr. Speaker, what about the appeal provisions? Now, in this bill at the present time, there are no provisions for appeal and the bill poses a serious constitutional question, in my mind, as to whether we can set up this kind of judicial process without providing the appropriate appellate procedure. I think not.

The question of sentencing, Mr. Speaker, is one in which our system of law is given to the judge who has seen first hand the evidence and heard first hand the testimony of witnesses. In this instance here, what we are asking for is that a judge, who has not had first hand observation of the evidence of the witnesses

to come in and review the sentence. This would mean that the court would have to take time off to go back and peruse the transcripts of the trial and, in my mind, this is an undue burden on our courts.

For these reasons, I oppose this bill."

Representative Kunimura then rose and stated:

"I speak against this bill.

Seems as though we are trying to correct an inequity by adopting the Hawaii Penal Code. But, what is it going to be like in the future, when future Legislatures make penalties stiffer? Then we're going to have to deal with old people at that time. Is that the rule or the law of ex post facto? Then there's going to be another set of people in there with different standards of imprisonment.

I believe we should leave this matter alone because it won't be long before some of these people will be coming out anyway."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I've had some experience in the criminal justice system. I've made recommendations to judges that people be placed both in jail and prison, and I've seen those recommendations carried out. At the time I was a probation officer"

Representative Poepoe interrupted on a point of order, stating:

"For or against, please?"

Representative Abercrombie replied:

"Speaking for the bill."

The Chair then directed Representative Abercrombie to proceed and Representative Abercrombie continued, stating:

"As I said, Mr. Speaker, as a probation officer both in adult and juvenile situations, one who had supervisory responsibilities as well as recommending responsibilities, I was in a system of justice in which one could not make recommendations to the judge concerning the fate of another individual unless that individual was told face to face what he intended to recommend. The idea behind that is that you should

have sufficient faith in your own judgment to be able to tell another person what you intended recommending about his life. I say this by way of preamble, Mr. Speaker.

In order to establish the fact that my being in favor of this bill does not mean that, as might be taken in other circumstances, that is trying to go light on anybody or the general cliches that might be utilized around such a review. I am thoroughly familiar with prison and jail situations, and thoroughly familiar with the circumstances under which they live.

Mr. Speaker, in its wisdom, this Legislature has, in previous sessions, reviewed the penal code. It has revised the system of justice under which we live, just as periodically many other sections of our laws are revised in order for them to meet the circumstances as we view them today. And, at the same time, apply those principles which we feel are essential to the smooth running of both our nation constitutionally and socially. The reason I support this bill, therefore, is not by way of trying to let somebody out of something, but rather to get us in line with the hard decisions that were made not only in the previous Legislatures, but by the budget that the Judiciary Committee has put forth this session. In that respect, we have invested millions of dollars, not spent, Mr. Speaker, but invested literally millions in programs and in approaches that we think will benefit both the individual and society as a whole in this State. It only makes good sense, Mr. Speaker, for us to take those individuals who were in the prison system before the present penal code came into existence and bring them back to the court's attention under the circumstances which now prevail. By that, Mr. Speaker, I mean that had other alternatives been available to judges prior to the passage of this penal code and the establishment of programs such as the Judiciary Committee has done in this session and in immediate past sessions, the sentencing might well have been different.

I have been in circumstances, myself, where I have had to recommend a prison sentence for an individual because an alternative was not available. Subsequent to that

time, alternatives became available.

This is what has happened now in the State of Hawaii. The Judiciary should have available to itself the opportunity to see whether under present circumstances a sentence under review, by virtue of review, rather, Mr. Speaker, needs to be modified.

This bill does not guarantee, in the slightest, that any sentences are going to be changed in any way. What it does guarantee is that the hard work and the thrust of the philosophy and the actual law we now have, an alternative system in terms of incarceration. Rehabilitation might well apply to these prisoners.

Mr. Speaker, I submit that it cost a great deal of money to keep someone in prison — thousands and thousands of dollars. If it is a question of funds, I think a case might very well be made that a review at this time for various prisoners might have a positive monetary effect in terms of what it is going to cost the State to incarcerate someone, if the judge feels a reduction in sentence or some alternative kind of incarceration is needed at this time.

Mr. Speaker, with all this in mind, I think it is only a step, which is logical and sensible for us to take by passing this bill. And in conclusion, I would like to state that where justice is concerned, and the administration of it, it seems to me that the primary consideration should be what is, in fact, the right thing to do. If there is a monetary consideration — after deciding what is the right thing to do, it is our responsibility to see that that is met.

There is every indication from the Chairman of the Judiciary Committee that the Judiciary itself, by virtue of his commentary with them, his discussions with them, they feel that they can handle this situation. Should it be needed later on, we have more than adequate facilities and capacities here in the Legislature to meet that responsibility.

The responsibility, again, I submit, in conclusion, Mr. Speaker, is that we take such steps as we think are the correct ones. We should not formulate policies on the basis of money. We should formulate policy and then see that those steps that which come as a natural consequence

of that policy are carried through on. That is our duty and responsibility.

This bill, I think, speaks very, very well of that kind of an approach, especially in terms of what the Judiciary has accomplished to this point.

Thank you, Mr. Speaker."

Representative Roehrig then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure, and at the outset I would like to state for the Journal that it is the intent of the Committee that we are in no way locking ourselves in to guarantee support of any future financial request that may be made in subsequent Legislatures regarding the question of determinations on additional funding which may turn out to be needed in subsequent sessions. I think that was the consensus of the caucus on this matter and I would state that for the record.

I would like to say at the outset, Mr. Speaker, that one thing has been going through my mind in discussion of this bill and I was reminded of a saying that civilized societies are to be determined not by how they treat their best citizens but by how they treat their worst ones. I think this is a bill that addresses ourselves to that particular philosophical issue. This is a bill that was proposed by some prisoners who are presently in Oahu Prison, who are there for very serious crimes. It is an attempt on their part to try to come to grips with the problems that we are faced with where 115 of the prisoners presently incarcerated there were sentenced prior to the enactment of our penal code in 1972. And, if you will recall, when we enacted the penal code, we made sweeping changes, not only in the sentencing, but also in the procedures to be adopted in arriving at the kind of sentences that are to be mandated. Also, in 1973, with the implementation of our Corrections Master Plan, we began a long process in the review and the development of the kinds of programs and implementation for corrections reform that we would like the State of Hawaii to have.

Here we are in 1975. We have just passed a budget over to the

Senate that contains much of the thinking of the House regarding the implementation of meaningful programs regarding the rehabilitation of our criminal offenders.

So, this bill comes at an appropriate time; and this Senate Bill was introduced by the Senate President to recognize some of the efforts by the prisoners themselves to come to grips with the very anxiety-ridden issue that the prisoners face who were sentenced prior to the penal code - during times when there could be consecutive sentences. As you will well recall, under our present penal code, unless there are exceptional circumstances, the sentencing is all done concurrently. So, we don't have the same tacking-on, so to speak that we had in the pre-penal code days. This, in effect, under the present penal code, causes a reduction in many of the very serious crime sentences over the pre-penal code days.

What this bill mandates is that the courts at least review the sentences of those sentenced before the penal code came into effect. It is discretionary with the court whether or not they amend or change any of the maximums. It does not affect the minimum sentencing, only the maximum sentencing. It's discretionary with the courts in the final analysis.

As far as the cost is concerned, this matter has been discussed by your chairman with the representatives of the Judiciary and they have told me that the cost is not going to be the problem. The problem, if there is one, is to get the job done by getting the necessary transcripts and what have you together so that they can make meaningful decisions.

As far as there being any problems relating to sentencing, generally, I would suggest that is taken care of on page 3 of the bill where it alludes to the sentencing procedure that we presently have under the existing penal code.

There is no problem with an ex post facto law being involved in this situation because as the penal code mandates, and this bill mandates, we have a situation where the court can only reduce, in its discretion; the court cannot increase the sentences.

Finally, I would like to say, Mr. Speaker, that this bill, in the final analysis, is a result of your Judiciary Committee's and other members' concerns. After having talked to

the prisoners who are presently incarcerated, and the sense of frustration that they feel; some of them who were sentenced before the penal code, that they are side by side with fellow inmates who may have been sentenced only a couple months later and yet their sentences in some instances, are two or three times long as their fellow inmates. So, we feel it is a humanitarian gesture to have sufficient safeguards.

The bill has been softened substantially from what the Senate mandated. They mandated a proportion changing of the minimums as well. We have not done that.

Thank you very much."

Representative Sutton then rose and stated:

"I rise to speak against this bill.

Mr. Speaker, you and I have been lawyers that have done a good deal of criminal work; and, we first work and try to reduce the number of counts when we're in defense there. Subsequently, when we went before the judge, in a pre-penal code era, we tried to make the judge give a concurrent sentence and, he, in his wisdom, was working at a proposition where the consecutive terms imposed before the penal code reflected, in that regard, a very difficult perspective. The consecutive terms imposed before the penal code reflects in that regard a totally different perspective. In other words, a judge operating under the pre-penal code system may, in a given case, have imposed lesser sentences upon the expectation that they were to be served consecutively, and thus, have meted out such sentences because he thought that their total effect reflected justice. As such, their automatic reduction to concurrent sentences may reduce such offender's sentence to drastic disproportion.

And, Mr. Speaker, I would like to address myself to my worthy colleague from the Manoa area. He speaks in terms of compassion and charity, of which I am very much in favor; but, also, Mr. Speaker, we have the other side of the coin. We have the victims to think about. And I feel that we need to have a victim's consideration brought in here.

And, finally, Mr. Speaker, I would like to have you examine the concept that a judge, who was not the original judge, is asked to examine empty transcripts without seeing in front of him the various witnesses, the defendants, the victims; and this is a very abstract proposition. It is so abstract that the whole concept that we have in the common law of credibility is no longer there for us to see when an individual speaks in our court. We take a great deal of credence on verbal testimony. The juries which come absolutely unknown to the law and unknown to the case, come off the street and are selected from just an elevator and serve a jury that then makes its decision on a basis of credibility. The jury, of course, is the finder of facts. The judge, in that case, is the finder of law. Here we have a judge who is not a party to that and we have no jury, reviewing a situation where they did not have the opportunity, Mr. Speaker, to view any of these circumstances.

And, therefore, I say, Mr. Speaker, we are imposing a rather difficult situation on the judiciary. I feel that if it were really well situated and we have something here that was appropriate, the money situation would not be a consideration. I agree with my colleague from Manoa. But I do feel that we are imposing upon the judiciary a very difficult task and this, sir, which I do not think that they can do in a proper manner. I feel that this can be done individually; accomplished by a habeas corpus proceeding; and, sentencing can be reviewed under a habeas corpus. This would not in any way shape or manner preclude the concept of ex post facto or post facto ex se.

Thank you."

The Chair then remarked:

"The Chair makes this observation. After listening to the previous speaker, the Chair concludes that the Chair and Representative Sutton do not practice in the same stream."

Representative Abercrombie then rose and stated:

"Mr. Speaker I was intending to rise after Representative Sutton's remarks to speak in a somewhat light vein and ask what criminal activity you and he had been engaged in, but, inasmuch as . . . I know, you really didn't mean that, right,

Ike?

But that's maybe to the point, Mr. Speaker. The way someone says something is quite true as Representative Sutton — he stood and said: 'You and I, Mr. Speaker, have been engaged in criminal work. . . .' Now, there are some here who might agree on that. I don't know. But the point is, is that the way it's said, how things are said can indeed make an impression. But that's precisely why we have judges, Mr. Speaker — so that they may take into consideration the full circumstances, beyond the emotional ones, that may have existed. I don't think for an instant, that the appeals court, which will now hear cases, for example, involving Mr. Ehrlichmann and Mr. Haldemann and other members, ex-members I should say, of the national executive, are going to want to hear everything all over again or have to be in the courtroom. They are going to try to make judgments on the basis of what's before them. That's all this bill asks, it seems to me, that a review be made on the basis of what's before them now.

Now, it does not impose a difficulty, Mr. Speaker, as you know. Despite the best efforts of some of us, the judges will now receive substantial increases in their salaries and, I say in all seriousness, if someone was being paid that kind of money, has that kind of responsibility, has every avenue in the world to carry out this kind of duty, I don't consider it an imposition in the least. In fact, it is difficult. Yes, I can see that. But that's precisely why someone is a judge. It is the most difficult thing. No one can have a more difficult task in life than to judge his fellow man, and that is what these judges are mandated, in one sense, in fact duty bound to do.

Now, in conclusion, Mr. Speaker, it is not a question of charity and compassion as such. I thought that I had made that clear when I stood up. I do not want to see this bill voted upon on that basis — as if one person has to be hard and the other person easy. That's not the question. If it is voted up or down on that basis, we would have done a disservice to the work of the Judiciary Committee and to the essence and thrust

of this bill.

As I've said, I have been in a situation perhaps as Representative Sutton has not. I don't know. Perhaps we do share one thing. He was a judge. He has had to sentence people. Then he can fully understand my position in making recommendations about sentencing — the gravity that that has. It is not a question of charity or compassion. It is a question of good, common, practical sense under the circumstances that we have developed in our criminal justice system today, in 1975. If you want to vote this bill up, vote it on that basis. If you want to vote it down, vote it on that basis. Your judgment of it. But let's not put it into emotional circumstances of whether we're hard or easy, victims or not. Victims are everywhere. The question is what to do about it.

Thank you, Mr. Speaker."

Representative Cayetano then rose and stated:

"I would like to speak in rebuttal to Representative Abercrombie's remarks. Mr. Speaker. . . ."

Representative Poepoe stood on a point of order and stated:

"I yield my time to close it up."

The Chair directed Representative Cayetano to proceed and Representative Cayetano continued, stating:

"Mr. Speaker, first of all, I think we should realize that we live in a world where things cost money. I hate to put it in that terms, as I said before. But the fact of the matter is, Mr. Speaker, if, for example, the Office of the Public Defender is going to be required to represent these men in the review process, that will burden that office's ability to represent adequately the people who presently need their services. And the same with the courts. We're not talking about the burden on the judge as an individual. But when the court calendar becomes crowded, then it affects the right of people who are presently charged with fines, their right to a speedy and just trial. This is the kind of consideration we're talking about. And what I'm saying is that when we pass laws, as lawmakers, we have the responsibility to take these matters into consideration before we throw out haphazard packages.

That's my objection to this bill."

Representative Cobb then rose and stated:

"Very briefly, Mr. Speaker, I rise to speak in favor of this measure although I had not intended to.

A question was earlier raised about victims and, just for the record, I'd like to note that this House has passed H.B. No. 1136, HD 1; the Senate has passed it on Second Reading and is presently scheduled to pass in the Senate on Third Reading, unamended. And that bill requires the court to consider restitution for the victim of every crime as part of the pre-sentence report. And, I think that concern has been addressed to the point and was reported out earlier by our House Judiciary Committee.

Finally, a note on the bill before us, is that this measure will in no way guarantee a reduction of any sentence. It will provide, however, an opportunity to consider the maximum and to consider the inmate's behavior since being committed to an institution as one of the motivating factors for good behavior in a possible, and I emphasize the word possible, reduction of the maximum sentence. It does nothing more.

Thank you."

The motion was put by the Chair and carried and S.B. No. 1624, HD 1 passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Ajifu, Cayetano, Clarke, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Kunimura, Larsen, Medeiros, Oda, Poepoe, Santos, Soares, Sutton, Yamada and Yuen voting no, and Representative Akizaki being excused.

S.B. No. 514, SD 1, HD 1

Representative Roehrig moved that S.B. No. 514, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment to S.B. No. 514, SD 1, HD 1:

"SECTION 1. Senate Bill No. 514, S.D. 1, H.D. 1 is hereby amended to read as follows:

Sec. 723-3. By persons present. Anyone in the act of committing a crime may be arrested by any person present, without a warrant. Any person in the act of committing a violation set forth in the Hawaii Penal Code or of Sections 134-2, 249-11, 286-62, 286-63, 286-64, 286-65, 286-66, 286-67, 286-68, and 298-26 may be arrested by any policeman present, without a warrant."

Representative Roehrig moved to adopt the amendment to S.B. No. 514, SD 1, HD 1, seconded by Representative Uechi.

Representative Roehrig explained the amendment as follows:

"The nature of the amendment is to clarify the fact that any arrest for violations in the penal code or the specific sections which are set, which are outside of the penal code area, to be made only by policemen and not by private citizens. This concern was brought to my attention yesterday by one of our minority members and I felt it was an appropriate amendment and I offer it for clarification purposes to make the bill sound."

Representative Abercrombie then rose and stated:

"I am voting in favor of this bill, but I want to point out that once again we've had to deal with intuition in a discriminatory way; hopefully, this time, discrimination is a good thing to do. But I hope this will spur members to think about, as we come into the next session in 1976, dealing with the whole idea of whether we should have intuition at all."

At 2:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:16 o'clock p.m.

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on S.B. No. 514, SD 1, HD 1, as amended, was deferred until tomorrow, Friday, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 514, SD 1, HD 2, were made available to the members of the House at 1:00 o'clock p.m.

S.B. No. 1676

On motion by Representative Sakima, seconded by Representative Takamura and carried, S.B. No. 1676 passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ajifu, Larsen, Soares and Sutton voting no.

S.B. No. 966

On motion by Representative Abercrombie, seconded by Representative Kimura and carried, S.B. No. 966 passed Third Reading by a vote of 51 ayes.

S.B. No. 1543, SD 2, HD 1

On motion by Representative Shito, seconded by Representative Cayetano and carried, S.B. No. 1543, SD 2, HD 1 passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Amaral, Kamalii, Santos and Sutton voting no.

S.B. No. 1213, HD 1

On motion by Representative Shito, seconded by Representative Cayetano and carried, S.B. No. 1213, HD 1 passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

S.B. No. 1732, SD 1, HD 1

Representative Sakima moved that S.B. No. 1732, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Ikeda then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. I feel strongly that incorporation of the East-West Center now will be of benefit to the Center, to the State of Hawaii, and to the nation.

In the fifteen years of its existence, the East-West Center has attained a degree of maturity and excellence which calls for a greater degree and kind of autonomy than has been previously experienced. Through such autonomy, the Center should be accorded the opportunity to seek and achieve greater status and growth, along with the increased responsibilities that go with maturity and independence.

However, Mr. Speaker, I would

like to point to two areas covered by this bill that I believe require some clarification and further study. These refer to the matters of governance of the proposed corporation; and the 'all-or-nothing' severability clause.

Mr. Speaker, the East-West Center should be permitted, and even encouraged, to govern itself through a self-perpetuating body of directors. This method of governance is traditional, and has proven highly successful and effective in other higher educational institutions. More to the point, the present bill would transform the Board of Governors of the proposed corporation from an autonomous entity with a majority of elected members into a government board by requiring permanent, direct appointment of all members by State and Federal executives. This would undermine the Center's credibility and acceptance as a genuine educational institution insulated from government intervention.

Mr. Speaker, my other concern is Section 17 of the revised bill now before us. This section makes alteration, or amendment, of any part or provision of this bill impossible without invalidating the entire bill. This 'all-or-nothing' feature is a time bomb that could defeat the incorporation of the East-West Center, and should be modified or eliminated. While it stands, it is a direct challenge to the Congress of the United States by our Legislature. It says, in effect, 'Take it or leave it.'

I do not believe the members of this House mean to challenge our national Congress. Neither do I believe the members of this House mean to defeat this bill by resorting to an 'all-or-nothing' clause. Therefore, Mr. Speaker, I voice my concern on this matter and hope that this section will be reviewed and corrected.

Thank you."

Representative Sakima then rose and stated:

"Just a few words in behalf of this bill--just to go back to a very brief history of the East-West Center.

Since the Congress of the United States provided for the establishment of the East-West Center in 1960, the State of Hawaii, through the University of Hawaii, has worked very closely with the Department of State and the United States Congress to develop the East-West Center

as a national educational institution dedicated to better relations and understanding between the people of the United States and the people of Asia and the Pacific.

In recognition of its geographical position and multicultural society, Hawaii was designated by the United States Congress as the natural location for the East-West Center. As a result, a unique cooperative enterprise was developed which has brought many benefits to both the nation and the State of Hawaii for the past fifteen years. During this time, approximately twenty-five thousand people from forty different Asian and Pacific countries and the United States have participated in the Center's programs.

Based on its past and current performance, the House Committee believes that constant and sincere efforts have been exerted to carry out the purposes set forth by the United States Congress. The bill before us has the firm support of our Committee. It is the result of an extensive collaborative effort. Five public hearings, consultations with all parties involved, and hours of careful research, have gone into this House Draft 1.

From the beginning, our Committee has been acutely aware that the incorporation of the East-West Center, as proposed, is a unique and innovative undertaking. It has many--both immediate and long-term implications. And so, throughout our deliberations, the primary concern of the Committee has been to insure that the State of Hawaii benefits from, and is in no way hurt by, the incorporation of the East-West Center.

As a result of such concern and careful consideration of the bill, our Committee has included provisions in the bill to insure that the corporation follows strictly its stated educational purposes and abides by all State laws applying to non-profit corporations. In addition, the Committee has stressed the need for strong State input on the Board of Governors and on issues regarding State lands. Our Committee has also given indepth consideration to the effect of incorporation on the needs of the grantees. Education, as the parties involved have stated, is the primary purpose of the

Center.

Our Committee has taken special care not to be merely provincial in its outlook. At the same time, it has fully accepted its responsibility to watch out for the interest of the people of Hawaii. I believe that the Committee has worked diligently and creatively to provide for a viable East-West Center corporation that will enhance the program.

Thank you very much."

Representative Takamura then rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1732, Senate Draft 1, House Draft 1.

Several weeks ago, this Legislature was presented with a bill for the incorporation of the East-West Center which creates a non-profit public corporation under State statute. Many people will agree that the act of incorporation itself is desirable; however, the question remains as to the terms and conditions of such an act.

Senate Bill 1732, as amended by the House Committee on Higher Education, attempts to preserve the interests of the State with regard to the East-West Center corporation. In addition, the amended version of the bill insures that the corporation will continue to maintain its educational goals as defined by the original Congressional mandate.

Your Committee on Higher Education held several public hearings and meetings on this issue. The original bill raised many questions in the minds of Committee members; questions that I believe still have not been adequately answered. One thing that was of concern to us was the fact that this bill was brought to us at such a late date. It's a very complex bill and, originally, we had asked for more time to adequately consider all the terms involved in the implications of the bill. However, it was told to us that, for some vague reasons, that it had to be pushed through this session. I think this is one of the things that have caused us to take a very conservative approach on this matter.

Under the original bill, we would have created the public corporation that would not be accountable to the laws of the State even though this corporation would use State

lands and benefit from State services and funding. Hence, Senate Bill 1732 was amended to provide for the interests of the people of Hawaii.

The intent of the amended version of Senate Bill 1732 is not to stifle the operation or growth of the East-West Center as an educational institute. Indeed, this Legislature would like to see the Center expand and grow into an educational institution of international excellence. The amendments do provide for such growth and development in keeping with the original educational goals as mandated by the United States Congress.

The amendments also insure that the interests of the State are not shortchanged. For example: The Governor of Hawaii, five members appointed by the Governor, and the President of the University of Hawaii, will sit on the thirteen member Board of Governors. The Board shall meet twice a year and all meetings will be held in Hawaii. Public notice of such meetings will be given at least twenty days in advance. In this way, interested residents will be aware of and can attend such meetings of the Board.

Other amendments insure that no University of Hawaii dormitory can be made a part of any land agreement between the East-West Center and the University of Hawaii. University of Hawaii dormitory residents have no need to fear that they will be forced to leave their dormitories in three years as originally proposed.

In addition, no lands within the University of Hawaii, Manoa campus, shall be made available by the University of Hawaii to the East-West Center or federal government without approval by majority vote of each house of the Legislature.

Mr. Speaker, honorable colleagues, Senate Bill 1732, Senate Draft 1, House Draft 1, creates a non-profit public East-West Center Corporation and still preserves the interests of the people of Hawaii. For these reasons, I urge you to vote for passage of this bill.

At this point, I would just like to briefly address myself to some of the concerns raised by the previous speaker.

On the first, regarding the point about the Board of Governors, it is my belief that, as has been stated many times in many hearings that we have held on this issue, it was stated that this institution would be a unique institution. No other kind of institution of this nature has existed before. It is an institution in which there would be some kind of cooperation between the State University and the federal government, but still will be an autonomous, independent organization and corporation. I think this is one of our concerns and the fact that this institution would be located in Hawaii and the fact that the University of Hawaii would be paying 50 percent of the cost of the education of the students; the fact that we would be turning over about 21 acres of land to this corporation--all of these are legitimate concerns. The fact, I think, that it is also a very complex kind of organization causes us to take a very conservative approach and, therefore, we made the amendments, including the amendment regarding composition of the Board of Governors.

The second thing I think we need to bring up is that this thing is not designed to be a challenge to the Congress. In fact, I think there are questions in the minds of some of us in the Committee whether or not the Congress is fully aware of this proposal and fully aware of the terms of this proposal. I believe that one of the good things about the severability clause which is different from other bills is the fact that, if nothing else, I hope this will cause the Congress to take a very serious look at the bill; a very serious look at the proposal and to see whether or not they agree with it. I think that all of the amendments made are important ones and are in the interest of the State of Hawaii. Therefore, I would like to vote in favor of the bill, as amended.

Thank you."

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak in support of Senate Bill 1732, SD 1, HD 1.

This bill calls for the incorporation of the East-West Center as a non-profit institution for cultural and technical interchange between the United States and the nations of Asia and the Pacific.

Mr. Speaker, we, in Hawaii, have watched with great interest and pride the birth and growth of the East-West Center under the aegis of the University of Hawaii. This institution has, in many ways, epitomized our frequently expressed hopes and dreams that Hawaii would, in time, become the meeting place of the Pacific.

Mr. Speaker, we now recognize that the East-West Center has outgrown the need for the University of Hawaii's parental guidance, and that the East-West Center has amply demonstrated that it has the respect and confidence of the United States Congress and the State Department, the President of the United States, and the State of Hawaii, to say nothing of the many Asian and Pacific nations that have sent their students, scholars, and technicians to its halls.

Mr. Speaker, so long as the East-West Center remains under the academic custody of the University of Hawaii, however tenuous and paternal such ties between these two great institutions may be, the East-West Center can never achieve its full stature as an international and national institute of cultural and technical interchange.

Mr. Speaker, we, of the Republican minority in the Legislature of the State of Hawaii, have always supported the development of our institutions of higher learning, and we have always supported the East-West Center. Therefore, when S.B. 1732 was forwarded to this august House of Representatives, we immediately and wholeheartedly supported this bill, recognizing its import for our State and its future.

Mr. Speaker, there are provisions in S.B. 1732 with which we are not in full accord. We share, with the majority party in the Legislature, some qualms about the management and direction of the East-West Center under the status of a non-profit corporation. Nevertheless, Mr. Speaker, as responsible legislators, we go on record as supporting the incorporation of the East-West Center as a non-profit institution, with full faith and confidence that our National Congress, the Executive Branch of our national government, our State Legislature and Chief

Executive will continue their support in this unique and proven instrument for world peace.

Mr. Speaker, I hereby voice my support and that of my Republican colleagues for S.B. 1732, SD 1, HD 1.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to speak against the bill and I rise with some trepidation because I believe that the bill...and I want to indicate why my 'no' vote is going in. I believe that the bill, as written, as concerns incorporation, is the best possible bill that could be written. I have observed and participated in the deliberation of the Higher Education Committee in this instance. The patience and forbearance of the Chairman has been nothing short of monumental considering the circumstances under which he's had to work. The input from the Vice-Chairman has been equal. Other members of the Committee have contributed; especially, I would like to comment on that of the Whip of the Committee, the senior representative from Kauai, Mr. Kunimura.

In the end, however, I find myself unable to accommodate the idea of incorporation as manifested in the East-West Center. I do believe, however, for those who have accepted the idea, that incorporation is something that would be a good idea to pursue. I do believe that this bill, all the work that's been done by the Committee, has resulted in something which will, in fact, protect the interest of the people of the State of Hawaii, protect the interest of the students and protect the interest of those who are truly interested in the interchange between East and West. For myself, I believe that despite the good intentions of the bill and despite its adequate safeguards in terms of incorporation, that the State Department will work its will in every way that they can to try to subvert your document, try to subvert this bill, to try to turn the East-West Center to its own ends.

I commend the Higher Education Committee for coming out with the bill that will try to protect our interests and the other interests that I've mentioned.

I want to conclude by saying that I don't believe for an instant that the State Department has altered its intentions. I don't believe for an instant that the present administration of the East-West Center has altered its intentions. As stated on May 22, 1974 at the Congressional hearings when Mr. Kleinjams, the present Chancellor of the East-West Center replied to a question asked by Representative Slack of the U.S. Congress in relation to \$8.1 million for construction that the State of Hawaii is putting up, that the Independent Public Educational Corporation which the East-West Center is seeking to establish apart from the University of Hawaii is 'to operate the East-West Center on behalf of the Department'. This is their object. The response of the Higher Education Committee has been to see that the object is not carried out. I congratulate them for their efforts.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and S.B. No. 1732, SD 1, HD 1 passed Third Reading by a vote of 49 ayes to 1 no, with Representative Abercrombie voting no, and Representative Amaral being excused.

The Chair directed the Clerk to note that S.B. No. 1624 had passed Third Reading at 2:08 o'clock p.m.; S.B. No. 1676 at 2:17 o'clock p.m.; S.B. Nos. 966 and 1543 at 2:18 o'clock p.m.; S.B. No. 1213 at 2:19 o'clock p.m. and S.B. No. 1732 at 2:37 o'clock p.m.

At 2:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:39 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 780) recommending that H.R. No. 404 be referred to the Committee on Higher Education with certain amendments.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report

of the Committee was adopted and H.R. No. 404, as amended, was referred to the Committee on Higher Education.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 781) recommending that S.B. No. 846, SD 1, HD 1 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 782) recommending that S.B. No. 637, SD 1, pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 783) recommending that S.B. No. 142 pass Third Reading with certain amendments.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 784) recommending that S.B. No. 115, SD 2, HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 781 on S.B. No. 846, SD 1, HD 2; Stand. Com. Rep. No. 782 on S.B. No. 637, SD 1, HD 2; Stand. Com. Rep. No. 783 on S.B. No. 142, HD 1; and Stand. Com. Rep. No. 784 on S.B. No. 115, SD 2, HD 1 was deferred until tomorrow, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 846, SD 1, HD 2; S.B. No. 637, SD 1, HD 2; S.B. No. 142, HD 1; and S.B. No. 115, SD 2, HD 1 were made available to the members of the House at 12:35 o'clock p.m.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 785) recommending that H.R. No. 705 be referred to the Committee on Education.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 705 was referred to the Committee on Education.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 786) recommending that S.B. No. 42, SD 2, HD 1 pass

Third Reading with certain amendments.

By unanimous consent, action on Stand. Com. Rep. No. 786 on S.B. No. 42, SD 2, HD 1, as amended, was deferred until tomorrow, April 4, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 42, SD 2, HD 2, were made available to the members of the House at 12:35 o'clock p.m.

At 2:40 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:51 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

S.B. No. 608, SD 1, HD 2 on Third Reading (Deferred from April 1, 1975):

On motion by Representative Roehrig, seconded by Representative Uechi and carried, S.B. No. 608, SD 1, HD 2, having been read throughout, passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Ajifu, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Kawakami, Larsen, Lee, Oda, Peters, Santos, Soares, Sutton and Yuen voting no, and Representative Amaral being excused.

The Chair directed the Clerk to note that S.B. No. 608 had passed Third Reading at 3:00 o'clock p.m.

Representative Kunimura rose on a point of information and stated:

"Is this outlawed now? Because I've got to use it on you before it gets outlawed."

Representative Sutton then rose and stated:

"May I be your defense?"

Representative Kunimura then rose and stated:

"Accept it. He's easier to shoot. He's wider."

Representative Carroll then

rose and stated:

"In answer to the point of information by the Representative from Kauai, if we can get a furnace going up to 800 degrees Fahrenheit, you can find out."

Representative Kunimura then replied:

"I'm pretty sure that Hawaiian Airlines pilot can provide that because everytime he talks, he talks full of hot air."

Representative Carroll then rose and stated:

"Mr. Speaker. . . . Mr. Speaker, I think that. . . ."

The Chair then stated:

"Representative Carroll, you're going to have to be recognized first before you can speak on the floor."

Representative Carroll then stated:

"Mr. Speaker, being a Republican on the floor of this House, it is extremely difficult at times, and I don't think the last comment by Representative Kunimura is worthy of. . ."

Representative Abercrombie then rose and, upon being recognized, stated:

"Mr. Speaker, I would like to defer until the general falderal has ended."

Representative Kunimura then rose and stated:

"Mr. Speaker, and in answer to that Hawaiian Airlines pilot, a fact is a fact is a fact is a fact."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I'm not sure of the protocol here. . . . I want to do something. . . . I don't know if it's the right thing to do or not, but I mislaid my Order of the Day during one of the earlier votes and I want to indicate, for the purpose of the Journal and by virtue of this announcement, that I cast a 'yes' vote when I wanted to cast a 'no' vote, which I understand makes one look foolish when one stands up to say that. But, regardless of how it looks, I think it would be remiss and hypocritical for me to pretend that I wanted to vote

yes for something when I didn't - and that is in respect to Standing Committee Report No. 739, Senate Bill No. 228, House Draft 2. I had intended for the purpose of the consent calendar to indicate a 'no' and I did not. It is recorded as a 'yes', but I would like it in the Journal that, had I been on the ball, it would have been a 'no' and that I will try not to do it again."

The Chair then stated:

"Your vote remains the same as recorded."

Representative Abercrombie then replied:

"Mr. Speaker, I understand

that. Thank you for your indulgence."

Representative Soares rose and asked:

"Will we be following the ratio of House members, majority and minority, on your Conference Committees?"

The Chair replied:

"That is correct."

ADJOURNMENT

At 3:06 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Friday, April 4, 1975.

FIFTY-FIFTH DAY

Friday, April 4, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Patrick Freitas of Saint John Vianney Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Blair, Ikeda, Kamalii, Kawakami, Lee, Mizuguchi, Roehrig, Yamada and Yap, who were excused.

At 11:07 o'clock a.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:09 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Lee, Roehrig, Yamada and Yap.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 214 to 236) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 214) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 92, SD 2 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Kuroda, Chairman; Nishimura and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Yamada, Chairman; Yap, Stanley

and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 215) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 959 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Chong and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Yamada, Chairman; Yap, Cayetano and Sutton as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 216) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1050, SD 1 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Yamada, Chairman; Uechi, Roehrig and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 217) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1628, SD 1 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Chong, Chairman; Nishimura and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the Conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 218) informing the House that the Senate had agreed to the amendments proposed by

the House to Senate Bill No. 330 and that Senate Bill No. 330, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 219) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 830 and that Senate Bill No. 830, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 220) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 950, SD 1 and that Senate Bill No. 950, SD 1, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 221) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1139 and that Senate Bill No. 1139, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 222) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1145 and that Senate Bill No. 1145, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 223) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1560, SD 1 and that Senate Bill No. 1560, SD 1, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 224) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1669, SD 1 and that Senate Bill No. 1669, SD 1, as amended, passed Final Reading in the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 225) transmitting Senate Concurrent Resolution No. 37, requesting enforcement of littering laws, which was adopted by the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 226) transmitting Senate Concurrent Resolution No. 59, SD 1, relating to destruction of native ecosystems, which was adopted by the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 227) transmitting Senate Concurrent Resolution No. 62, SD 1, requesting a study of possible harmful radiation effects from broadcast towers, which was adopted by the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 228) transmitting Senate Concurrent Resolution No. 83, SD 1, requesting the Department of Land and Natural Resources, the Department of Planning and Economic Development, the Governor of the State of Hawaii, the County of Hawaii, the U.S. National Park Service, and property owners whose land the William Ellis Trail traverses to cooperate with the Friends of the William Ellis Trail in its efforts to make the complete historic trail accessible to the public, which was adopted by the Senate on April 3, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 229) transmitting Senate Concurrent Resolution No. 135 relating to the implementation of a rapid transit system for Oahu, which was adopted by the Senate on April 3, 1975, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 37; 59, SD 1; 62, SD 1; 83, SD 1; and 135 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 230) returning House Bill No. 929, HD 1, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 231) returning House Bill No. 927, HD 1, which passed Third Reading in the Senate

on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 232) returning House Bill No. 516, HD 2, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 233) returning House Bill No. 353, HD 1, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 234) returning House Bill No. 282, HD 1, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 235) returning House Bill No. 259, HD 1, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 236) returning House Bill No. 54, HD 1, which passed Third Reading in the Senate on April 3, 1975, in an amended form, was placed on file.

By unanimous consent, H.B. Nos. 929, HD 1; 927, HD 1; 516, HD 2; 353, HD 1; 282, HD 1; 259, HD 1; and 54, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 929, HD 1, SD 1; H.B. No. 927, HD 1, SD 1; H.B. No. 516, HD 2, SD 1; H.B. No. 353, HD 1, SD 1; 282, HD 1, SD 1; 259, HD 1, SD 1; and H.B. No. 54, HD 1, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

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

Representative Kondo introduced 90 eighth grade students from Kamehameha III School in Lahaina, Maui. They were accompanied by their teachers, Mrs. Florence Aoki, Miss Dale Yatsushiro, Mr. Mike Schotzberger, Mrs.

Gertrude Vierra and Ms. Beatrice Shibao.

Representative Kihano introduced Ms. Pearl Allen, Ms. Gwen Lofgren and Ms. June Dillman from Seattle, Washington, and Ms. Mabel Haga from Oregon.

Representative Larsen introduced 23 students from Hanahauoli School and their teachers, Mrs. Kinnicutt and Mrs. Taba, and parents, Mrs. Flibber and Mrs. Orenstein.

Representative Shito introduced 30 women from the Molokai University Extension Club.

Representative Kawakami introduced a group of women from the Kauai University Extension Club.

Representative Inaba introduced a group of women from the Kona University Extension Club.

Representative Segawa introduced a group of women from the Hilo University Extension Club.

Representative Santos then rose on a point of personal privilege and asked all the members to join her in extending birthday greetings to Representative Sutton.

Representative Lunasco, on behalf of the majority members, thanked Representative and Mrs. Sutton for the cake and other goodies shared with the members.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

At this time, the Chief Clerk of the House of Representatives read House Resolution No. 774 which was adopted yesterday, April 3, 1975.

Representative Peters then introduced to the members of the House three recipients of the resolution as follows: Mr. Michael Watson, Assistant Coach of the Nanakuli High School Basketball Team; Mr. Jesse Baugh, Captain of the team; and Mr. Timmy Nuuanu, a member of the team.

Representative Ho then presented certified copies of House Resolution 774 to the honorees.

A resolution (H.R. No. 775) congratulating and extending best wishes to Ann Tomoko Yoshioka, 1975 Cherry Blossom Queen was jointly offered by Representatives Mizuguchi, Abercrombie, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Naito, Oda, Peters, Sakima, Segawa, Shito, Stanley, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Cayetano, seconded by Representative Shito and carried, H.R. No. 775 was adopted.

A resolution (H.R. No. 776) congratulating the 1975 Cherry Blossom Court and Miss Congeniality was jointly offered by Representatives Shito, Abercrombie, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Stanley, Suwa, Takamine, Takamura, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Shito, seconded by Representative Kihano and carried, H.R. No. 776 was adopted.

A resolution (H.R. No. 777) extending aloha and best wishes to the Nisei Week Queen and her Court was jointly offered by Representatives Ushijima, Abercrombie, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Mizuguchi, Naito, Oda, Peters, Sakima, Segawa, Shito, Stanley, Takamine, Takamura, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Shito and carried, H.R. No. 777 was adopted.

At this time, Representative Shito introduced to the members of the House the Cherry Blossom Queen and her Court, and the Nisei Week Queen and her Court, as follows: Ann Tomoko Yoshioka, Cherry Blossom Queen; Marilene Miki Miyasato, Princess; Wendy

Ann Kisono Kaneko, Attendant; Shirley Naoko Kawatani, Attendant; Joyce Hiroko Watanabe, Attendant; Deborah Suzuko Aratani, Miss Congeniality; Elisa Akemi Cuthbert, Nisei Week Queen; Kim Maruyama, Princess; and Bessie Imada, "Miss Tomodachi."

Carnation leis were presented to the honorees by Representatives Cayetano, Kunimura, Kihano, Akizaki, Kiyabu, Carroll, Suwa and Peters.

Representative Shito then introduced to the members of the House Mr. Gen Nishimura, President of the Japanese Junior Chamber of Commerce, and Mr. Tat Uyeda, Festival Chairman.

The Chair then remarked:

"It never ceases to amaze the Chair how so many beautiful women can cause so much confusion."

The Chair then appointed Representatives Shito, Cayetano, Kihano, Uechi, Oda and Medeiros to escort Ann Yoshioka, Cherry Blossom Queen, to the rostrum.

The Chair then presented Miss Yoshioka to the members of the House and guests:

"Members of the House, ladies and gentlemen in the gallery--it is my delightful pleasure this morning to introduce to all of you the 1975 Cherry Blossom Queen, Queen Ann Yoshioka."

Miss Yoshioka addressed the members of the House as follows:

"Mr. Chairman, members of the House--on behalf of the Honolulu Japanese Junior Chamber of Commerce, we would like to thank you for your continued support in this 23rd Cherry Blossom Festival. It has been a pleasure to be here today and we truly appreciate your warm invitation. Thank you."

A resolution (H.R. No. 778) congratulating the Hawaii Extension Homemakers Council was jointly offered by Representatives Machida, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares,

Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Machida, seconded by Representative Kondo and carried, H.R. No. 778 was adopted.

Representative Machida then introduced to the members of the House 200 members of the Hawaii Extension Homemakers Council.

Representative Machida then introduced 2 leaders of the Hawaii Extension Homemakers Council-- Mrs. Ethel Andrade, Vice President, and Mrs. Rebecca Keala, Past President.

Certified copies of House Resolution 778 were presented to Mrs. Andrade and Mrs. Keala by Representative Machida.

Representative Amaral then introduced to the members of the House the Maui University Extension Club.

A resolution (H.R. No. 779) extending aloha and best wishes to David L. Hale, National Jaycee President was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Lunasco and carried, H.R. No. 779 was adopted.

At this time, Representative Ushijima introduced to the members of the House the honoree, Mr. David L. Hale, from Arkansas. He was accompanied by Mr. Gary Fujitani, President of the State Jaycees.

The Chair then appointed Representatives Ushijima, Ho, Lunasco, Stanley, Evans and Poepoe to escort Mr. Hale to the rostrum.

The Chair then presented Mr. Hale to the members of the House and guests:

"Members of the House, ladies and gentlemen--it is my distinct privilege to introduce to you the 55th President of the United States Jaycees, Mr. David L. Hale."

Mr. Hale addressed the members of the House as follows:

"Thank you very much, Mr. Speaker, and I want to thank you and the Hawaiian people for their fine hospitality while I have been here on the island. It is an honor and a very touching moment for me to be before you this morning because, as all of us know, in the last eighteen months, around the world, in the western world, either the form of leadership in each country, or the government of each major country in the western world, has changed. Never in the history of mankind has their leadership been so unstable. Therefore, it is an honor for me just to come before you as leadership of this country. You can't pick up a magazine; you can't pick up a book today that doesn't state that the greatest need of our world today is leadership. And our public leadership has never come under such an attack as it has in the last two years of what we have seen in this country and around the world. Therefore, let me compliment you on what I consider today, and on behalf of our 320,000 young men, the greatest service of mankind today is public leadership.

Thank you very much and, Mr. Speaker, I would like to present you, if you can take a gift--I am not sure in these days--a book giving the history of our organization.

Thank you and God bless you and Godspeed."

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

The House of Representatives reconvened at 1:29 o'clock p.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as

follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
37	Committee on Environmental Protection
59	Committee on Agriculture
62	Committee on Health
83	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts
135	Committee on Energy and Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following resolution and concurrent resolutions were re-referred as follows:

<u>H.R. No.</u>	<u>Re-referred to:</u>
727	Committee on Water, Land Use, Development, and Hawaiian Homes

H.C.R. Nos.

134	Committee on Water, Land Use, Development, and Hawaiian Homes
116	Committee on Youth and Elderly Affairs

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 762 on S.B. No. 1326, SD 2, HD 2 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1326, SD 2, HD 2, having been read throughout, passed Third Reading by a vote

of 47 ayes, with Representatives Carroll, Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 763 on S.B. No. 553, SD 1, HD 2 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 553, SD 1, HD 2, having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 764 on S.B. No. 91, SD 3, HD 2 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 91, SD 3, HD 2, having been read throughout, passed Third Reading by a vote of 43 ayes to 5 noes, with Representatives Fong, Larsen, Poepoe, Santos and Sutton voting no, and Representatives Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 781 on S.B. No. 846, SD 1, HD 2 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 846, SD 1, HD 2, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 782 on S.B. No. 637, SD 1, HD 2 (Deferred from April 3, 1975):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 637, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Suwa then rose and stated:

"On page 2 of the bill, there is a typographical error and the Clerk

is requested to make the necessary correction. The word that appears now is 'collection' but all reference on the bill is 'correction' so it should read: 'service as a fireman or correction officer.' "

Representative Abercrombie, upon being recognized by the Chair, stated:

"Mr. Speaker, I would just like the record to reflect that the Mayor of the City and County of Honolulu had nothing to do with this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 637, SD 1, HD 2 passed Third Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 783 on S.B. No. 142, HD 1 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 142, HD 1, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 784 on S.B. No. 115, SD 2, HD 1 (Deferred from April 3, 1975):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 115, SD 2, HD 1, having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Segawa being excused.

Stand. Com. Rep. No. 786 on S.B. No. 42, SD 2, HD 2 (Deferred from April 3, 1975):

Representative Blair moved that the report of the Committee be adopted and S.B. No. 42, SD 2, HD 2, having been read throughout, pass Third Reading seconded by Representative Kawakami.

Representative Kawakami then rose and stated:

"I would like to insert for the record that there is a typographical error on page 3, line 16. The comma after the word 'partially' should be deleted. This comma included creates ambiguity in the intent of this paragraph of the bill."

The Chair, noting that there were no objections, so ordered.

Representative Evans then rose and inquired whether or not the Chairman of the Environmental Protection Committee would yield to questions to which Representative Blair replied that he would not.

Representative Evans then inquired whether or not the Chairman of the Water, Land Use, Development, and Hawaiian Homes Committee would yield to questions to which Representative Kawakami replied that he would not.

Representative Evans then stated:

"In that case, Mr. Speaker, I would like the Journal to reflect the fact that an apparent ambiguity exists between the intent stated in the Committee report, and the actual language of the bill.

As you know, Kawainui marsh is Oahu's last major natural wetland area. The marsh is bordered by a drive-in theatre, a major quarry, a land fill, a high school, a major dike and dike road, a hospital, and the Kukunono residential subdivision. Within the confines of the marsh are two small ranches, a telephone line traversing the marsh, and the homes of at least three families. The marsh is also connected to the sea by a channelized stream.

Although the Committee report says that Kawainui marsh is to be included in the permit area, section 5 on page 3 of the bill is less than clear on this point as it exempts areas partially improved with walls, such as Kawainui's channelized stream, and areas upon which residential and other structures are in existence.

Because of this apparent ambiguity between the intent stated in the Committee report, and the actual language of this bill, I feel a clarification is necessary. Mr. Speaker, it is my hope that this bill will proceed upon its passage into conference committee where the proper clarifications can be made. Thank you."

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

"Mr. Speaker, I would have you know, sir, that this is Senate Draft 2, House Draft 2. Just by citing the bill, we show that there were two Senate drafts and two House drafts or a total of four drafts. I think that just points up the problem, Mr. Speaker. Furthermore, Mr. Speaker, the Order of Business that you give to us each day calls this bill an interim control. I know what a control is but I don't know what an interim control is. And furthermore, Mr. Speaker, on the Committee report, third paragraph on page 2, they talk in terms of various lakes, ponds and navigable river--some are included and some are not included.

You have heard my worthy colleague, Representative Evans, just state that the ambiguity extended to Kawaiinui swamp. You know, even the Congress of the United States, where they have their biggest pork, is on navigable rivers. They know when to define them, sir, and, Mr. Speaker, there is language in this bill which is going to invite lots of litigation such as something that I do not understand. It says, 'taking into account potential cumulative effects.' Now, if somebody would tell me what that means.

Mr. Speaker, I am very happy to see that the Chairman of Water, Land Use, Development, had a correction on page 3, line 16. I was going to bring that to his attention but he has already corrected that. But I think, Mr. Speaker, we could do better than this. Thank you."

Representative Abercrombie, upon being recognized by the Chair, stated:

"Mr. Speaker, I wanted to see a shoreline protection bill passed. With a great deal of difficulty, the Chairman of the Environmental Protection Committee and the Chairman of the Water, Land Use, Development, and Hawaiian Homes Committee, were able to bring a bill out and send it to the Senate. It wasn't everything that all of us wanted as is in the nature of the political process but, nonetheless..."

Representative Soares, at this point, interrupted:

"Mr. Speaker, point of order. Is the gentleman speaking for or against the bill?"

Representative Abercrombie continued:

"I am sorry, Mr. Soares, I am going to speak for the bill. I apologize.

It was a bill, when it went to the Senate, that had achieved the fair consensus of this body. Unfortunately, it had to come back to us for circumstance on what amounted to a technical change. I must say, Mr. Speaker, that since that time, since it came back, more than just technical changes have been made. I still want some kind of protection on the shoreline to go through and so I am going to be voting for this bill, but I have the gravest reservations about these exceptions that have been made. And I have even graver reservations; that is to say, about the manner in which the exceptions were made because they have been hit and miss. We haven't had the time to really go into whether other exceptions might have been made as indicated in the Committee report. But I take the gravest exception to page 3 of the bill itself, Mr. Speaker--starting about line 14, when we talk about 'surface water subject to salinity intrusion or tidal influences provided, however, such areas which abut any inland waterway or body of water, wholly or partially, improved with walls, and upon portions of which residential, commercial, or other structures are in existence as of the effective date of this bill, or excluded from the management area.'

Mr. Speaker, you know, in inland waterway or body of water, it can be Honolulu Harbor; it can also be the Hawaii Kai Marina. As far as I am concerned, the addition of this bit of language may very well cause such areas or including, possibly, the Cambell Estate area, too; cause many of these areas to be able to squeeze out of the shoreline protection.

Now, I am not a lawyer. I don't know whether this is, in fact, going to be the case. But from what it looks to me from a common sense point of view, that this has been put in here and that an area like Hawaii Kai--that marina area--probably, as far as I am concerned, for the

benefit of Kaiser-Aetna, is going to be exempted. Now, if that is what the people of the State are going to put up with, that's fine. And if we can't get any kind of shoreline protection at all without having to serve special interests like Kaiser-Aetna, well, then, I guess that's what we'll have to do. As I say, I don't think anyone here is naive about the political process. But I think it is a shame—I think it is a real shame that we had to pass this bill out before, have it come back, and then have these amendments put in so that we are forced into this situation.

I hope, for the benefit of those people who may now have some protection as a result of the passage of the bill, that they are able to understand what needed to be done, that certain private interest like Kaiser-Aetna apparently had to be served. . . ."

Representative Garcia then interrupted:

"Point of order, Mr. Speaker. I don't think we have to make any reference to any particular individual or group in the State regarding the passage of this particular bill. If he can limit his comments to either for or against the bill, it would be appreciated."

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

"The truth is the truth, is the truth, is the truth."

The Chair then stated:

"Representative Abercrombie, you may proceed with that limitation in mind. You have made your point."

Representative Abercrombie responded:

"Excuse me, sir, are you telling me that I can't mention Kaiser-Aetna?"

The Chair directed Representative Abercrombie to proceed.

Representative Abercrombie continued:

"Thank you, Mr. Speaker.

I think one of the reasons that we cannot have the kind of bill that we had without protecting the (expletive deleted) is that, unfortunately, some of the people who wanted the shoreline protection bill to go through weren't satisfied with what we did and so they brought pressure to bear on the Chairman of the Environmental Protection Committee to reopen this whole thing. And in great measure, Mr. Speaker, I can understand the private interests trying to push its own affairs—that's the privilege; that's the way it works out, if they can get somebody to go for it.

And I think it is a shame again that those people who are ostensibly for the shoreline protection and I hope that they have learned a lesson out of all this. With that in mind, Mr. Speaker, I urge the passage of this bill."

Representative Carroll, upon being recognized by the Chair, stated:

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

I think, in view of Representative Abercrombie's remarks, that the only vote he could possibly cast would be the same as mine. I think we speak often on the floor of this House about half loaf measures and once in a while a quarter loaf, but, Mr. Speaker, as far as shoreline protection is concerned, this bill is a moldy piece of bread. It does not go to the original purpose that the shoreline protection bills were passed.

When we get the shoreline protection bill worth voting for, I will vote aye. On this one, I urge everyone to vote no."

Representative Larsen then rose and stated:

"Mr. Speaker, I would like the record to show that I am speaking for the bill with this reservation for myself and three other Republicans. I am speaking for myself when I was excused from signing this Committee report. I also have many reservations about this bill. I would have liked to sign the Committee report with a WR. I'm sorry I didn't have the opportunity, but I was here and I would like the record to show

that I'll go along with the bill only because there is no alternative, and I do not like the idea that Committee reports are circulated when we are around and we are not allowed to sign.

Thank you, Mr. Speaker."

Representative Blair then rose and stated:

"Mr. Speaker, I would like to apologize to those members of the minority who were not afforded an opportunity to sign the Committee report. I was interested in getting the bill clocked early and I wasn't able to locate him at the precise moment when I was endeavoring to do so."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak in favor of the measure, somewhat with reluctance.

The commentary on the Legislature, I think, might be appropriate to what has happened to this measure that if the House could be accused of retreat on this particular subject area, then the Senate could be accused of unconditional surrender. I think that applies here in viewing some of the objections that we have heard from the Senate and, in particular, to the passage of lines 14 through 20 on page 3 of the bill.

My reservation is predicated on the exclusion of Hawaii Kai. Basically, I think that Hawaii Kai, Honolulu Harbor, are areas that should be under the protection of shoreline, even if it is an interim measure. Previous speakers mentioned that half a loaf is better than none and this isn't even moldy, Mr. Speaker. That kind of language on page 3 isn't even the crumbs--it is just plain crummy.

When I stop and think of the areas that are excluded and the legal questions that are going to be opened as a result, I honestly feel that there is going to be two or three years of litigation during the two or three years of so-called interim protection that we are supposed to be providing.

It is a beginning that we have here--not as good as perhaps

what may have taken place. But, we would have run the risk of losing much more in conference committee and because it does protect 90 percent of the area, I am willing to vote for it with those reservations. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 42, SD 2, HD 1 passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Carroll and Sutton voting no, and Representative Kunimura being excused.

At 1:50 o'clock p.m., on request by Representative Carroll, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

S.B. No. 514 on Third Reading (Deferred from April 3, 1975):

Representative Roehrig moved that S.B. No. 514, having been read throughout, pass Third Reading, seconded by Representative Uechi.

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

"Mr. Speaker, I rise to speak against this bill. Before doing so, it is my understanding that the Police Department requested this measure and in deference to the Police Department, I would like to state for the record that I have very strong feelings about the superior job that our Police Departments in the State of Hawaii are doing, particularly since I live on the island of Oahu, I have strong feelings about the type of work that our Police Department is doing and I don't want my remarks to be interpreted in any way about the Police Department.

The feelings that I have about this bill includes some of the aspects of disorderly conduct that this bill addresses itself to. Disorderly conduct and also obstruction. Under disorderly conduct now, there is one provision which this bill addresses which deals with noise--loud noise. In other words, if we were at a party and were making a loud noise, a police officer were called; he came upon the scene and suggested that everyone desist.

Under our arrest laws, if we did not desist, we could then be considered to be perpetrating a petty misdemeanor and could be subject to arrest. What would happen under this bill is that if the policeman shows at that time, he could automatically arrest someone just upon the loud noise violation.

Another area that this bill addresses is obstruction. Some of the effects--well, right now, under obstruction--if one is in a picket line and is obstructing traffic, whether they mean to or don't mean to, the police can tell them to move. If they don't move, they can be arrested. The effect, under this bill, is that the policeman does not have to tell to move but can arrest them automatically without any kind of warning. This is one of the differences that this bill considers.

There are possibly certain violations that should be considered in like of making them into petty misdemeanors, but what this bill does is just take all of these violations and automatically give the police the discretion to arrest people for them.

The category of violation under our Penal Code, as I understand it, means that someone would not automatically be arrested because this category violation is for some very petty offenses. However, under this bill, anyone can be arrested for this petty offense, go to jail, and have to post bond. This can take in a variety of people who have done very, very little wrong and this is why, specifically, they are called violations. But this bill will allow them then to be arrested. I feel that the approach of this bill is something like an elephant trying to shoot at a sparrow and that many innocent victims will fall under that elephant gun. Thank you."

Representative Abercrombie, upon being recognized by the Chair, stated:

"Mr. Speaker, I think Representative Naito has gone to some of the specifics and I realize, for benefit of members that may not have it before them. . . I am speaking against the bill. I keep forgetting to do that. I apologize for that again.

This includes the very serious things. I can understand the reason why the Judiciary Committee is concerned with things like registration of firearms and license plate violations which, on the surface, might seem kind of minor, but might involve stolen cars--this kind of thing. But, let us not be taken away by that kind of implication. Include such things as bicycle tags; people invest in a bicycle. That kind of thing. It is very important about stolen bicycles. No question to that. But, if that is the case, then let's go to where it should be, which is the law itself. If something needs to be made into a misdemeanor, and proper procedures had to be taken to see that such things are done, then let's do it that way. Let's not go by the route of undermining the very proper process that we have under our justice system of the violation route. Violations exist as violations because we don't want people to have criminal records.

Secondly, the person who is really going to get victimized in this, I am absolutely sure, is going to be the police himself. Even if the Police Department did come in with this, it is the Department, not necessarily the policeman. We all know that executive agencies come down and they want a lot of things that don't necessarily benefit the people. We are gonna have to carry them out and I can see some awful bad situations occurring with possible false arrests and all kinds of things that might occur.

Just take the license plate area. Someone could just genuinely have made some kind of mistake and a violation thing might take care of it. And if an arrest circumstance comes up, it is embarrassing, it's traumatic--all the rest. Anyone who has ever seen the inside of a jail or had the process of having to go down like I when I got nailed on not paying my parking tickets, and for some reason the policeman knew who I was when he came to the door. I was all set to say he's not here and he said, 'Hi, Neil, let's take a ride.' Luckily, my friends were nearby so they could put up the bail for me, right--on the traffic tickets. So, in a way, it's a gag and it's actually even kind of interesting. And it's also scary because when you realize what might happen and I really put this in there for 'the grace of God go I' category.

Every single one of us in here, at one time or another--well, I am not going to ask for a raising of hands, could have been nailed for something and it didn't happen, especially when it comes to automobiles.

That is what I am asking, Mr. Speaker, is that this be voted down, not because these are not important things to be settled, but because there are important things that we should take the time to deal with them on a case by case basis and come up with a proper law or change in law and not hit at what is a very good portion of our system of justice; that is to say, the violation process. Thank you."

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

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

This is a bill which came from the Senate and, in its original form, it provided that there could be arrest for all violations--not only violations of the Penal Code, but violations of matters outside the Penal Code such as building codes, what have you, across the board.

Your Judiciary Committee discussed this area for a good length of time because of the nature of the bill and we asked the Police Department to furnish us with the information regarding the particular real problem areas where the police feel hamstrung, not having the potential power to make arrests in certain violation situations. There is no question about the fact that case laws established that there is a constitutional basis for having arrests in a violation situation. The areas that this bill cover are those problem areas that have been brought to our attention and the area relating to bicycle tags is deleted. That is not in the bill.

The other areas that have been mentioned are in the bill. As far as the areas in the Penal Code are concerned, it could provide the potential for arrest with disorderly conduct or obstructing any public road or right-of-way as in any other kind of police investigation situation. Some depends on the

discretion and good sense of the officer who is on the beat and, with this background, your Committee had considered long whether or not we would come out with this kind of measure.

I think that many of the Committee members had some concern about upgrading all this kind of activity to make it into misdemeanors because if there was a conviction, then you would have a record of criminal conviction, you see, and this is one thing we wanted to be particularly careful about not getting into--having a conviction record of criminal conduct. The violation in itself is a civil fine; it is not a criminal activity per se. The Committee had felt, in the final analysis, that since there were areas of particular concern, principally here on Oahu, these are areas where the Police Department, through their representative, reported to us that these are some of the areas that they would like some assistance on. Your Committee felt that we should try and give them some kind of latitude and potential for taking care of these problem areas and that is why we have brought this bill out and I would ask the members to please support it."

Representative Soares then inquired whether or not Representative Roehrig would yield to questions to which Representative Roehrig replied in the affirmative.

Representative Soares then inquired:

"Mr. Speaker, I suddenly have a thought that might cause a problem with this bill and that is, in view of the need for unions to picket during strikes in front of or around public sidewalks of the establishment they are picketing against, would this allow the police officer to arbitrarily call it a nuisance and arrest these people?"

Representative Roehrig replied:

"Mr. Speaker, the question was raised yesterday by couple of our members regarding the effect of this bill on such activities as the grape picketing in some of the super-market areas and other kinds of picketing activity, principally on private premises such as in shopping centers and so forth. So, I had my staff take the time to research this matter yesterday and we got the Federal Supreme Court decisions

that have some effect in this area and there is a case of Food Employees vs. Logan Valley Plaza at 391 U.S., page 308, that holds, in effect, that it is lawful activity for pickets to be on even private premises to express their First Amendment rights, notwithstanding any posting of signs saying that you can't picket there, and that this is allowed.

Now, by allowing an arrest procedure in case of a violation involved with what is usually a trespass kind of fact situation, we are not thereby changing the law relating to lawful picketing. It is constitutional and we have not, in any way, changed the law relating to trespass so it is possibly infringing on this First Amendment area so to answer the Minority Floor Leader here, Mr. Speaker, I don't believe that we are getting into a problem with lawful picketing.

If there is an obstruction of the roadway, pickets are standing across the roadway, that would be treated as anybody else would-- blocking the public highway or a public thoroughfare and that is included with another section called 'Obstructing' and the present law relating to obstructing is that if a police officer tells you to move on and you don't, that you can be arrested already.

This bill, if it were passed, would allow the police officer the discretion, if there was a chronic situation. He wouldn't have to go and warn him first to move on, he could arrest, but it does not get into this area of collective bargaining or lawful picketing for First Amendment purposes."

Representative Soares then queried:

"Mr. Speaker, I want to clarify that answer. In other words, the policeman can today, under this bill, without any warning or any other information, arrest him on the spot, either as a public nuisance or obstruction. Is that not correct?"

Representative Roehrig replied:

At the present time, without this bill, the police officer can do that. It is not for nuisance

but for obstruction. The way the statute is worded, Mr. Speaker, it says that obstructing is a petty misdemeanor if the person persists in the conduct specified in subsection 1 after a warning by a peace officer, so the present law allows arrest if someone is obstructing the roadway. The officer tells him, 'Hey, you got to move on.' The guy says, 'no', arrest can take place. It is a petty misdemeanor. That is the existing law. The usual labor picketing situation occurs in parking lots of shopping centers and in other areas off of the main thoroughfare and this bill does not, in any way, infringe on that."

At 2:08 o'clock p.m., on request by Representative Soares, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:25 o'clock p.m.

At this time, Representative Roehrig withdrew his motion to pass S.B. No. 514 on Third Reading and Representative Uechi withdrew his second.

Representative Roehrig then moved that S.B. No. 514, SD 1, HD 2, be recommitted to the Committee on Judiciary, seconded by Representative Uechi and carried.

Representative Roehrig then explained the reason for recommitment:

"Mr. Speaker, I would just say that after discussing this matter with various members of the House that because of the nature of the bill and its importance, that it would probably be in the best interest of everybody that this matter be considered on an individual basis. Thank you."

The Chair directed the Clerk to note that S.B. Nos. 1326, 553 and 91 had passed Third Reading at 1:30 o'clock p.m.; S.B. No. 846 at 1:31 o'clock p.m.; S.B. No. 637 at 1:33 o'clock p.m.; S.B. No. 142 at 1:34 o'clock p.m.; S.B. No. 115 at 1:40 o'clock p.m.; and S.B. No. 42 at 1:50 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 780 to 783) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 780) congratulating the Pearl City High School Chargers Varsity Tennis Team on winning the Oahu Interscholastic Association Western Division title was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Ikeda, Kiyabu, Kunimura, Mizuguchi, Naito, Peters, Santos, Segawa, Shito, Stanley, Suwa and Takamine.

On motion by Representative Cayetano, seconded by Representative Segawa and carried, H.R. No. 780 was adopted.

A resolution (H.R. No. 781) congratulating John Yamauchi on winning the 1975 National Amateur Athletic Union Bantam Weightlifting Championship was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Carroll, Clarke, Evans, Ikeda, Kiyabu, Kunimura, Larsen, Medeiros, Mizuguchi, Naito, Oda, Peters, Sakima, Santos, Segawa, Shito, Soares, Stanley, Suwa, Takamine, Ushijima, Yamada and Yuen.

On motion by Representative Cayetano, seconded by Representative Shito and carried, H.R. No. 781 was adopted.

A resolution (H.R. No. 782) congratulating Herbert M. Kaneko on receiving the Outstanding Teacher of the Year Award from the American Industrial Arts Association was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Ikeda, Kiyabu, Kunimura, Mizuguchi, Naito, Peters, Santos, Segawa, Shito, Stanley, Suwa and Takamine.

On motion by Representative Cayetano, seconded by Representative Mizuguchi and carried, H.R. No. 782 was adopted.

A resolution (H.R. No. 783) congratulating the participants of the 46th Annual Hawaii Future Farmers of America Conference was jointly offered by Representatives Ajifu, Abercrombie, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton,

Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Yuen and carried, H.R. No. 783 was adopted.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 1200, SD 2, HD 1

Representative Shito moved that S.B. No. 1200, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

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

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

This reduces the area from five acres to one acre where there could be a taking by having a substitution of the power of eminent domain to those that happen to have a desire to acquire that one acre. We are talking, sir, of practically transferring the power of eminent domain from the State which has always had it, traditionally has had it, to a private individual. Now, I recognize you have increased the percentage to 75 percent. But by reducing the acreage from five acres down to one, I see very severe problems that could occur to many common citizens who, in the history of Hawaii, have inherited land throughout these Hawaiian islands of one acre. They are now found in a position that is very different from any other personal holding or property holding or real estate holding than any place in the world because, certainly, if you were in the middle of Kansas and you had a farm of one acre, you wouldn't think the State of Kansas

would take eminent domain to take that acre away from you. Here, our land is very precious. We recognize that one acre is considerably different than an acre in the middle of Kansas, but the principle is the same, Mr. Speaker. We are coming into a position of taking the very sacred privilege--the power of eminent domain that belongs to the State that traditionally come under our common law as one of the powers by which we take condemnation because of a public purpose and then we are transferring this public purpose all of a sudden to people who wish to take that one acre.

Mr. Speaker, I will vote against this and I hope that I will get other Representatives who will join me."

Representative Amaral then rose and stated:

"Just a very short remark. I am not an attorney and this bill may be unconstitutional, but it sure is un-American."

Representative Cobb was then recognized by the Chair and stated:

"Mr. Speaker, I think a feudal system of land tenure that lets you own houses but not the land is also very un-American. But, that is exactly what we have had here in Hawaii for almost a hundred years. Furthermore, when we consider the one acre requirement, I don't know of any of the large estates that have their land holdings limited to one acre. In fact, my recollection, Mr. Speaker, is that the eleven large estates, the eleven largest, own over 65 percent of all the land that is not government land in this entire State. This bill has safeguards in it by providing more than 75 percent so it is not just three-fourths, it is 1 percent more, which means that if you have four house lots on one acre, all four must agree.

But getting back to the question of Americanism, Mr. Speaker, two hundred years ago, when Japan had a feudal land system, it wasn't until after World War II that they managed to break it up. Three hundred years ago, in Europe, they had a feudal land system and it took two world wars and it still isn't completely demolished. Here in Hawaii,

we have a feudal land system, and I would remind some of the previous speakers that the State Supreme Court here in Hawaii, as well as . local Supreme Courts in every other state in the union, has been very reluctant to overturn what has been declared to be a public policy of the State insofar as eminent domain is applied. And not once, I repeat, not once, in the history has the United States Supreme Court ever overturned such a State-Court decision involving a public policy in the use of land.

This bill is going to be the beginning of redressing the previous imbalance that exists today on the leasehold estates and for thousands of peoples who are denied the right to own their own home and I, for one, think it is long overdue and very, very American in the redress of grievances. I hope every member of this House supports this bill. Thank you."

Representative Kamalii, upon being recognized by the Chair, stated:

"I didn't intend to stand and speak regarding this bill. After the previous speaker's remarks, I find myself compelled to do so.

I see no reason why those of us who have inherited land, and I am not Bishop Estate, or any other large landowner, there are many of us in this State--Maui, Molokai, you name it--who own and were given land instead of stocks and to have this now taken away from us through the government, and we are talking about a socialistic situation right now. I think it is ludicrous for those Johnny-come-lately who knew darn well when they purchased their leasehold land exactly what they were getting and what they were buying and now, they want all the land.

I urge you all to think of the little guy. Just don't cloud yourselves with Bishop Estate, Campbell Estate, and the large land owners. Think of some of the little Hawaiian guys that have little more than an acre. I urge you to vote 'no' for this socialistic bill."

Representative Abercrombie then rose and stated:

"Mr. Speaker, it is easy to throw around words like un-American and socialistic. It is quite another thing to talk about the Constitution.

There is nothing in the Constitution that says anything about socialism. There is nothing in the Constitution that says anything about capitalism. There is a heck of a lot in the Constitution that talks about what the rights of the people are. Now as Representative Cobb...I am speaking in favor of the bill.

As Representative Cobb has pointed out, we are talking about the rights of little guys. This is now a modern, industrial society. This is a response and I want to say all credit is due to Representative Shito and his Committee. If anybody has a tough Committee, if anybody has a responsibility--it affects everybody in this State--it's Representative Shito and his Committee on Housing. And I give them all the credit in the world for standing up and not knuckling under to rhetorical phrases like we heard just recently in this House and, instead, trying to look at the real causes of disenfranchisement so that we can try to get back in these islands, in a modern sense, to those kinds of ideals that the world of Thomas Jefferson embodied when they talked about the yeoman, the free man. And we know what the free man meant then. We don't have the same kind of circumstances now. So what we got to do is try to apply the constitutional principles as they evolve from two hundred years ago in our country, as they emerged, rather, some two hundred years ago and have evolved to this time and I consider this bill, Senate Bill 1200, SD 1, HD 1--I consider this bill an attempt to put into modern circumstances those principles upon which the country was founded and all credit to Representative Shito and his Committee for bringing it forward.

Thank you."

Representative Roehrig then rose and stated:

"Mr. Speaker, I also had not planned on saying anything on this bill. However, I rise to speak in favor of it.

One of the facts of history in this fair State is a course of land acquisition by some individuals and some corporations which is a little discouraging. One only has to read Kuykendal's history of the Hawaiian islands to see

the fashion in which various sugar companies and other major concerns acquired a great amount of the land in this State. We are an island State. There's only so much land here and then there is no more. I think it is one of our traditional American senses of personal security for each of us to have our little piece of land that we can call our own. This has created problems in the State of Hawaii where there isn't enough land to go around.

And, we talk about the Johnny-come-lately. We are all Johnny-come-lately to this State. Everybody here emigrated from someplace else. When we're talking about Johnny-come-lately, we're talking about everybody. If you want to talk about who came first, I would suggest the ones that came first lost the most. So let's be real careful when talk about Johnny-come-lately. . ."

Representative Soares, on a point of order, interrupted:

"It seems to me that the speaker should address himself to the merits or demerits of the bill and let's not direct words to the previous speakers."

The Chair replied:

"The door was opened."

Representative Soares responded:

"I suggest that we close it, Mr. Speaker. I think that we are allowing the speaker--to be very frank about it--I think, as Speaker, you are allowing speeches to be made on this floor that are totally incorrect and unfair. I think that we should stay with the merits of the bill and control the kind of dialogue on this floor and leave out personalities or emotions toward one another."

The Chair then stated:

"This is exactly what the Chair is doing, Representative Soares. Proceed."

Representative Roehrig continued:

"Mr. Speaker, I don't think that there is a legislative district in this whole State that does not have a situation of imbalance regarding land ownership with very few exceptions. And I think that this bill addresses itself to the practicalities of trying

to get into the leasehold residential subdivisions and giving each American in those subdivisions at least a chance to own his little piece of land and to have his place in the sun and I would hope that every member of this House would consider this the most American piece of legislation that we have passed this session.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak against the bill and I think with this particular measure--I know the Committee worked hard to try to address a few grievous problem and it is my understanding that most everyone on the floor of this House is in favor of land reform. But in the case of this particular bill, Mr. Speaker, I think we are shooting with a shotgun when we ought to be shooting with a rifle, and I don't mean this to give any implication about other bills that we've had before the House.

Mr. Speaker, here, we are changing the existing law, not to create a new philosophy, not to give effect to the kinds of things which Representative Cobb has very eloquently addressed, and with which I am sure most of us agree. But here, Mr. Speaker, we are dropping down the amount of land that can be taken by eminent domain from five acres which is really a fairly sizeable piece of land on this island to one acre and I think that the remarks of other Republican members of this House relative to confiscation from one small guy for the benefit of another small guy are totally in order, Mr. Speaker, and I think that this kind of a reduction in the amount of land that can be taken--it really does border line in my mind on the unconstitutional. And I think, Mr. Speaker, that this matter should be really seriously addressed in terms of the total land ownership of the owner of a one acre parcel so that if we have the situation where Bishop Estate owns thousands of acres and they have a one acre parcel and this is the problem they want to address, then let's address it that way. We seem to have the habit in here of trying to cure everything with very broad language when oftentimes it can be done

in other ways. And then the argument is that we may run afoul of constitutional discriminatory legislation and, therefore, the whole thing will get shot down.

But I submit, Mr. Speaker, that these kinds of problems should be addressed in the Committee before these matters arrive on the floor of the House. For that reason, I again urge that everyone here vote no. Thank you."

Representative Amaral then rose and stated:

"Mr. Speaker, sometimes, in our obsession, going to the big guy, we hurt a lot of small people and there are, I am sure, many small landowners throughout the State of Hawaii. One acre is not really a big piece of property and there are many people throughout the State that do own one, one and a half, two acres of land. They are like the mama and papa neighborhood store. They have built four or five homes on their piece of property; they have leased that piece of property, and over the years, their intention is to pay for that piece of property and those homes with the intention that someday this is their retirement income. And here, by this bill, and if it becomes law, these same people with four or five homes on their one little acre or one and a half acres can have someone join in together, using the State, saying we want this property from this small guy. And then this small guy will be forced to sell this property--what he had hoped to become a retirement income for him. . . that is what I meant when I said un-American. It is not only the big guy they keep talking about. It is the small guy that gets hurt by stuff like this and I think we should really give the many, many small people the consideration that they do deserve.

Thank you, Mr. Speaker."

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

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

The one acre reduction we talk about, the intent behind it is not to have the State become the landowner of the land. When we run into raising from the current 50 percent to 75

percent, this is solely done so that the State does not become the landowner. This particular bill is not directed at any particular individual or the small landowner, so to speak. There are a lot of merits in this particular bill, and I think it is in the right direction that we are heading as far as land reform goes.

I urge all members of this honorable body to vote for this bill."

The motion to pass S.B. No. 1200, SD 2, HD 1 on Third Reading was put by the Chair, and S.B. No. 1200, SD 2, HD 1 passed Third Reading by a vote of 41 ayes to 5 noes, with Representatives Amaral, Carroll, Kamalii, Santos and Sutton voting no, and Representatives Kawakami, Kihano, Kunimura, Mizuguchi and Naito being excused.

S.B. No. 19, SD 2, HD 1

Representative Shito moved that S.B. No. 19, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Sutton then rose and stated:

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

Mr. Speaker, I would address your attention first to the clause in the bill which indicated that renegotiation shall not be more often than once in every ten years. Mr. Speaker, I ask that you address your attention to the fact that someone that, say, had a 17-year lease and he wants to sell his home, and in order to sell his home, he has to go to get a mortgage, whether it be a VA mortgage or an FHA mortgage. They require an amortization period of a minimum of 25 years. But because of the fact that you are talking in terms of 17 years, you got to wait three years for the renegotiation because it already has had one ten-year period. You have established something which would preclude him from getting a mortgage under normal conditions. Now, I realize that there are certain mortgage companies that would waive the fact that having an amortization period is the same as a lease. However, this is standard procedure with good mortgage and, as a consequence, you would put this

person in a position where he could not get a mortgage. It could not be financed. In other words, Mr. Speaker, we have a bill before us which is started on certain premises and then has neglected to achieve a perfection that is required in something of this nature because this bill will go to the United States Supreme Court.

There is no question in my mind. I don't question my mind of passage on the other side of the aisle who are engaged in legal activities that this will go to the United States Supreme Court. If it is going to the United States Supreme Court, I say, let us form a document which is sound--which is sound in every way. Let us for a minute, address our attention to the question of the formula on leases. Let us look at the basic concept of what constitutes raw land. We have a formula which is somewhat as follows: We achieve a residual method of appraisal which achieves a figure of what that land is worth. Then we subtract from that the current cost of what the improvements would cost today and we subtract from that another formula of 25 percent of the profit. Those two are summed up and then subtract it, Mr. Speaker, and then that as a numerator is used times a quotient of an interest of 4 percent. Mr. Speaker, I don't know where I can borrow any money at 4 percent. I don't know where the figure came from. But anyway, the Supreme Court of the United States is going to examine this formula and this formula will be examined solely on the standard, Mr. Speaker, of what constitutes due process of law. In the meantime, we will have utter and absolute freezing and chaos in a situation which has not reached the United States Supreme Court because it will have to pass between all of our circuit courts, go up to our own Supreme Court, and from there we would hope that the United States Supreme Court might take it, but that might be denied. In the case, we would find ourselves in a position where we do not know its constitutionality. We are proceeding very, very fast, Mr. Speaker. We are coming into session in 1976. We have never really achieved anything in the way of evidence as to what constitutes the findings. The findings, in this particular case, are not substantiated by the evidence. I have been on every single Committee meeting and I have enjoyed Chairman Shito

immensely, and he has done a wonderful job, but in this brief period of time, we have not taken evidence that substantiates the findings. I have not heard cases, sir, that fill any of these findings--the findings of fact are not substantiated by the facts. Therefore, I say, Mr. Speaker, let us hold this bill until 1976; go ahead and establish an interim committee, and let us make a study of it less we do something unconstitutional.

Before I close, Mr. Speaker, I would remind you that when Franklin D. Roosevelt became President of the United States of America, he had the NRA. The NRA was the National Recovery Act. I think that all of us have seen the insignia, the blue eagle, and that was declared unconstitutional after it had been used and put into effect, and it caused utter and absolute chaos, and Al Smith came down to Washington, D.C., and he was going to the Capitol. . ."

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

"Mr. Speaker, this has nothing to do with the New Deal. Let the speaker be reminded to keep to the facts of the case."

The Chair replied:

"Your point is well taken. Representative Sutton, will you try. . ."

Representative Sutton continued:

"I want to show the basic concept of constitutionality. I want to show places where there has been unconstitutionality. If we pass the statute here which is unconstitutional, I know that Representative Kimura, who is my brother from my own district. . ."

Representative Kondo then interrupted:

"Mr. Speaker, point of order. The Representative is not a judge anymore. We don't want his opinion here. We are passing a bill which we feel should be passed and the judgment should be made by a court if there is a judgment to be made."

The Chair then stated:

"Representative Sutton, would

you confine your remarks to the merits or demerits of the bill."

Representative Sutton then stated:

"Yes. I have examined this formula and I feel it does not constitute due process of law. And I feel that we are proceeding too fast. And I have pointed out on this ten-year renegotiation--what it would do in the way of hardship on getting mortgages, and I have pointed out that the period that the FHA and VA require for amortization of a mortgage would not coincide, and I have pointed out, sir, that we are engaging in something here where we, instead of helping the landowners and the small people, that we might put them in a position where we will be hurting them if we proceed too fast.

Thank you very much, Mr. Speaker."

Representative Abercrombie, upon being recognized by the Chair, stated:

"Just one thing in the favor of the bill. You know, I am making twice as much money as I have ever made in my life by being in this legislature. I am 36 years old--I will be 37 in June. Twelve grand. . . You know, when I hear you talk about the landowners and all that kind of stuff, Jesus, when I first came to Hawaii, you know, in 1959, and some of my friends got married, they bought homes and so on and some of my older friends--their mothers and fathers--had just had their chance to get into this, and they got it in the leasehold and all that. All I can say is, for someone like myself, I don't even know if I am ever going to be able to buy a home here; let alone, get under a leasehold kind of thing, but I know this--that I have had discussions with parents that are friends of mine that I have made here, and this thing is very, very important to them and it just dumbfounds me that there can still be arguments about this.

Again, this is something else that Representative Shito and his Committee have done that, by God, is really needed by a vast majority of the working people who have sweated for a long, long time just to have what they got."

The motion to pass S.B. No. 19, SD 2, HD 1 on Third Reading was

put by the Chair, and S.B. No. 19, SD 2, HD 1 passed Third Reading by a vote of 45 ayes to 1 no, with Representative Sutton voting no, and Representatives Kawakami, Kihano, Kunimura, Mizuguchi and Naito being excused.

S.B. No. 1679, SD 1, HD 1

On motion by Representative Sakima, seconded by Representative Takamura, S.B. No. 1679, SD 1, HD 1, having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Kawakami, Kihano, Kunimura, Mizuguchi and Naito being excused.

The Chair directed the Clerk to note that S.B. No. 1200 had passed Third Reading at 2:45 o'clock p.m.; S.B. No. 19 at 2:54 o'clock p.m.; and S.B. No. 1679 at 2:55 o'clock p.m.

At 2:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:03 o'clock p.m.

Representative Cobb then rose on a point of information and inquired:

"Mr. Speaker, will there be a list of the House bills that passed the Senate with no Senate amendments since today was apparently their operating deadline?"

The Chair responded:

"The Senate can and may return House bills next week without Senate amendments."

At this time, Representative Abercrombie introduced to the members of the House Mr. Jim Leahy, Sportscaster of the Year, who was seated in the gallery.

**DISPOSITION OF MATTERS
PLACED ON CLERK'S DESK**

By unanimous consent, H.B. No. 612, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to House Bill No. 612, HD 1, seconded by Representative Uechi.

Representative Roehrig then explained the amendments made by the Senate:

"The Senate made substantial substantive changes from what the House had made. This is an area where an injured person, before the Criminal Injuries Compensation Commission, needs certain police reports. We have provided that it would be at the discretion of the Commission where they got it and the Senate turned it around and said it will be at the pleasure of the Police Chief or the Prosecutor, and it is such a basic difference of philosophy that it is apparent that we are going to have to go to conference on this matter."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 612, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the Conferees on the part of the House was deferred.

Representative Soares then rose and stated:

"Mr. Speaker, I would like to suggest, if it is in order with the Chairman, that when they have the discussion on resolutions this afternoon, that they might broach this list and go through those as a committee. It will save us some time on discussion on Monday."

Representative Roehrig replied:

"Mr. Speaker, I would just add that we got our heads together--those Committee people who have got a lot of bills--and we felt that this was a pretty democratic way to give out to the members because time is going to be so limited, especially next week, that we are not going to have the physical wherewithal to have a meeting on each and every bill. If time permits, on the heavier bills, if there really is controversy whether we should agree or disagree, we certainly will. But some of them, like the ones we have today where principally it's stylistic changes, whatever, unless there is substantial kinds of concerns raised by the members, I think that this is both a fair and expeditious way that we can get down to conference on some of the heavier legislation such

as campaign spending and the lobbyist registration.

Thank you, Mr. Speaker."

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

"I would suggest that after the discussions on the rules, that we should use the concept of the meetings under Rule 33.3 where we have the meetings of the Committee members in total somehow, whether formal or informal, so all members would benefit from the discussion on the agreement or disagreement and then from there on, we can go with lists and I think we would like to move these as fast as possible ourselves."

At 3:12 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:17 o'clock p.m.

By unanimous consent, H.B. No. 54, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Shito moved that the House disagree to the amendments proposed by the Senate to H.B. No. 54, HD 1, seconded by Representative Cayetano.

Representative Shito then explained that he is in disagreement with the contents of the amendments and what it has done to the bill.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 54, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Blair and Oda were appointed as Managers on the part of the House at such conference.

At 3:19 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:23 o'clock p.m.

ADJOURNMENT

At 3:25 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 10:30 o'clock a.m. on Monday, April 7, 1975.

FIFTY-SIXTH DAY

Monday, April 7, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, was called to order at 10:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was offered by the Reverend James Anderson of the Aiea Methodist Church:

"We come together this morning with sorrow in our hearts as we grieve the death of our Governor John A. Burns. For his valiant battle against the cancerous disease which gripped his body, we stand in admiration. For his release from bondage to that disease, we humbly sigh a word of thanks. May the blessing of your love be upon his soul as he rests with you in eternity. May his widow, Beatrice, and his family be comforted and strengthened through the blessing of your spirit of compassion and through the comforts and condolences of us all. As your House of Representatives continues its business, even in the shadow of sadness, may they take strength from the dedication and example of John Burns. Strengthen the members of this House and their work. Confirm them anew in their responsibility to the people of the State of Hawaii. In gratitude for the opportunities of this day, we give you our thanks. Amen."

Roll call of the members of the House of Representatives showed that all members were present with the exception of Representatives Carroll and Lee, who were excused.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 71 to 73) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 71) transmitting copies of a report prepared by the Department of Health in response to H.R. No. 120 relating to the implementation of the audit on the State Hospital System, was placed on file.

A message from the Governor (Gov. Msg. No. 72) transmitting copies of the cost items for the collective bargaining agreement which has been negotiated with the Fire Fighters, Unit 11, in accordance with Section 89-10 (b), Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 73) transmitting copies of "Alternate Energy Sources for Hawaii--1975" which was prepared by the Committee on Alternate Energy Sources, was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 18 and 19) were read by the Clerk and were disposed of as follows:

A communication from Dr. Richard E. Ando, Chairman of the Board of Education (Dept. Com. No. 18) acknowledging receipt of H.R. No. 711, was placed on file.

A communication from Mr. Douglas S. Yamamura, Chancellor, University of Hawaii at Manoa (Dept. Com. No. 19) acknowledging receipt of H.R. No. 712, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 237 to 284) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 237) returning House Bill No. 35, HD 2, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 238) returning House Bill No. 55, HD 1, which passed Third Reading in the Senate

on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 239) returning House Bill No. 91, HD 2, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 240) returning House Bill No. 106, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 241) returning House Bill No. 126, HD 1, which passed Third Reading in the Senate on April 4, 1974, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 242) returning House Bill No. 127, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 243) returning House Bill No. 141, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 244) returning House Bill No. 161, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 245) returning House Bill No. 278, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 246) returning House Bill No. 327, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 247) returning House Bill No. 336, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 248) returning House Bill No. 363, HD 1, which passed Third Reading in the Senate

on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 249) returning House Bill No. 372, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 250) returning House Bill No. 374, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 251) returning House Bill No. 376, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 252) returning House Bill No. 430, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 253) returning House Bill No. 481, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 254) returning House Bill No. 518, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 255) returning House Bill No. 549, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 256) returning House Bill No. 611, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 257) returning House Bill No. 619, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 258) returning House Bill No. 677, HD 1, which passed Third Reading in the Senate

on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 259) returning House Bill No. 822, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 260) returning House Bill No. 850, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 261) returning House Bill No. 857, HD 2, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 262) returning House Bill No. 990, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 263) returning House Bill No. 999, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 264) returning House Bill No. 1117, HD 2, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 265) returning House Bill No. 1240, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 266) returning House Bill No. 1294, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 267) returning House Bill No. 1597, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 268) returning House Bill No. 1742, HD 1, which passed Third Reading in the Senate

on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 269) returning House Bill No. 1756, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 270) returning House Bill No. 1779, HD 2, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 271) returning House Bill No. 1842, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 272) returning House Bill No. 1852, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 273) returning House Bill No. 1873, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 274) returning House Bill No. 1874, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 275) returning House Bill No. 1875, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 276) returning House Bill No. 1876, HD 1, which passed Third Reading in the Senate on April 4, 1975, in an amended form, was placed on file.

By unanimous consent, H.B. Nos. 35, HD 2; 55, HD 1; 106; 126, HD 1; 127, HD 1; 141, HD 1; 161, HD 1; 161, HD 1; 278, HD 1; 327, HD 1; 336, HD 1; 374; 376, HD 1; 430, HD 1; 481; 518; 549; 611, HD 1; 619, HD 1; 822, HD 1; 850, HD 1; 857, HD 2; 990, HD 1; 999, HD 1; 1117, HD 2; 1294; 1756, HD 1; 1842, HD 1; 1852, HD 1; 1873, HD 1; 1874, HD 1; 1875, HD 1; and

1876, HD 1, as amended by the Senate, were placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 35, HD 2, SD 1; H.B. No. 55, HD 1, SD 1; H.B. No. 106, SD 1; H.B. No. 126, HD 1, SD 1; H.B. No. 127, HD 1, SD 1; H.B. No. 141, HD 1, SD 1; H.B. No. 161, HD 1, SD 1; H.B. No. 278, HD 1, SD 2; H.B. No. 327, HD 1, SD 1; H.B. No. 336, HD 1, SD 2; H.B. No. 374, SD 1; H.B. No. 376, HD 1, SD 1; H.B. No. 430, HD 1, SD 1; H.B. No. 481, SD 1; H.B. No. 518, SD 1; H.B. No. 549, SD 1; H.B. No. 611, HD 1, SD 1; H.B. No. 619, HD 1, SD 2; H.B. No. 822, HD 1, SD 1; H.B. No. 850, HD 1, SD 2; H.B. No. 857, HD 2, SD 2; H.B. No. 990, HD 1, SD 1; H.B. No. 999, HD 1, SD 2; H.B. No. 1117, HD 2, SD 1; H.B. No. 1294, SD 1; H.B. No. 1756, HD 1, SD 1; H.B. No. 1842, HD 1, SD 1; H.B. No. 1852, HD 1, SD 1; H.B. No. 1873, HD 1, SD 1; H.B. No. 1874, HD 1, SD 1; H.B. No. 1875, HD 1, SD 2; and H.B. No. 1876, HD 1, SD 1 were made available to the members of the House at 10:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 277) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 516, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Roehrig, Chairman; Yap, Cayetano, Lee, Carroll and Fong as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 278) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 591, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Hara and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Yuen, Chairman; Machida, Abercrombie, Ho, Blair, Evans, Ikeda and Santos as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 279) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1281, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Rohlfing had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Suwa, Chairman; Akizaki, Kiyabu, Inaba, Kihano, Kondo, Kunimura, Mizuguchi, Morioka, Peters, Lunasco, Ajifu, Amaral, Clarke, Hakoda and Kamalii as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 280) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1645, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators R. Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Rohlfing had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Suwa, Chairman; Kondo, Inaba, Peters, Lunasco, Kihano, Kunimura, Mizuguchi, Morioka, Kiyabu, Lee, Machida, Amaral, Hakoda, Fong, Oda, Santos and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 281) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1732, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Takitani, Chairman; Toyofuku, F. Wong, O'Connor, Yee and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Sakima, Chairman; Kunimura, Shito, Takamura, Ho, Ikeda and Santos as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 282) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 182, SD 1 and that Senate Bill No. 182, SD 1, HD 1 passed Final Reading in the Senate on April 4, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 283) transmitting Senate Concurrent Resolution No. 100 requesting the President and the Board of Regents of the University of Hawaii to seek out a person of strong administrative capability to be the new Dean of the College of Tropical Agriculture which was adopted by the Senate on April 4, 1975, was placed on file.

By unanimous consent, action on S.C.R. No. 100 was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 35 to 38) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Patsy Mink, Member of Congress (Misc. Com. No. 35) acknowledging receipt of House Resolution No. 359, was placed on file.

A communication from the Honorable Patsy Mink, Member of Congress (Misc. Com. No. 36) acknowledging receipt of House Resolution No. 358, was placed on file.

A communication from the Honorable Hiram L. Fong, U.S. Senator (Misc. Com. No. 37) acknowledging receipt of House Resolution No. 358, was placed on file.

A communication from the Honorable Hiram L. Fong, U. S. Senator (Misc. Com. No. 38) acknowledging receipt of House Resolution No. 167, was placed on file.

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

Representative Garcia introduced 55 students who are taking a course in Law and Justice at Farrington High School. They were accompanied by their instructor, Officer Joe Scanlan.

Representative Sutton introduced Mr. and Mrs. H. H. Harbison from Gary, Indiana.

Representative Peters introduced 45 students from St. Andrews Priory and their teacher, Mrs. Black.

At 10:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:45 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Lee.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 784 and 785) and concurrent resolution (H.C.R. No. 149) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 784) congratulating Bill Woolsey for his accomplishments as an athlete and citizen was jointly offered by Representatives Clarke, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Clarke, seconded by Representative Evans and carried, H.R. No. 784 was adopted.

Representative Clarke then rose and made the following remarks:

"He (Bill Woolsey) is really an outstanding character and a product of Hawaii. He has served not only his State but his country well. He

went to the Olympics and brought back a Gold Medal; went back four years later and brought back a Silver Medal. He's certainly been an inspiration to the United States and to Hawaii in his unselfish demonstration of teaching underprivileged children at night. And, I might say, his hours range from 5-10 at night. He's really deserving of a gentleman and a scholar and an athlete that he is.

I'd like for Bill Woolsey, at this time, to stand and take a bow."

A resolution (H.R. No. 785) commending Shirley Hatchie, "The Walking Lady", for being a model of good health and maintaining excellent physical condition was jointly offered by Representatives Kimura, Sutton, Stanley, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

Representative Kimura moved that H.R. No. 785 be adopted.

Representative Sutton then rose and stated:

"I want to second that and say that she's (Shirley Hatchie) a great inspiration to Representative Kimura and myself. She comes from our district. She's asked us to go the twenty miles. We have respectfully declined."

The Chair then stated:

"Representative Sutton, will you formally second--you said 'you want to'."

Representative Sutton then rose and stated:

"Mr. Speaker, I formally second."

The motion was put by the Chair and carried and H.R. No. 785 was adopted.

Representative Sutton then continued:

"Mr. Speaker, Shirley has set an

example for all of us. As I said, Representative Kimura and myself attempted to keep up with her, but her pace is considerably faster than we like to go because we're both attorneys and we like to reflect. When we retire as attorneys and have the energy that we can devote just to walking, we hope to be able to accompany her. Shirley, it's so nice to have you with us. And, Mr. Speaker, this is a great privilege."

The Chair then stated:

"Will you introduce the young lady to this body."

Representative Sutton stated:

"Mr. Speaker, can we give her a certified copy of the resolution and could we have a slight recess because I would like. . . Shirley, would you please rise so everybody could see you? You see how easily she rises, Mr. Speaker? It takes Mr. Kimura and I a couple of seconds to respond to you."

The Chair then responded:

"You rise just as easily and faster. We'll take another resolution before we call a recess, Representative Sutton."

A concurrent resolution (H.C.R. No. 149) calling a joint session of the Legislature for the purpose of appointing an ombudsman was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares and Ushijima.

On motion by Representative Garcia, seconded by Representative Ushijima and carried, H.C.R. No. 149 was adopted.

At 10:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honorees and presenting them with certified copies of their respective resolutions.

Upon reconvening at 12:47 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Carroll.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 284) returning House Concurrent Resolution No. 149, which was adopted by the Senate on April 7, 1975, was read by the Clerk and

was placed on file.

ORDER OF THE DAY

DEFERRED RESOLUTION

S.C.R. No. 100 was referred jointly to the Committees on Higher Education and Agriculture.

COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

H.R. No. Re-referred to:

462 Committee on Youth and Elderly Affairs

H.C.R. No.

140 Committee on Agriculture

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 787) informing the House that House Resolution Nos. 773 to 783, Senate Bill No. 514, Senate Draft 1, House Draft No. 2, Standing Committee Report Nos. 788 to 838, and Conference Committee Report No. 1, Re: House Bill No. 360, House Draft No. 1, Senate Draft No. 1, Conference Draft No. 1, have been printed and distributed.

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

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 788) recommending that S.B. No. 1188 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 1188 was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 789) recommending that H.C.R. No. 33 be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.C.R. No. 33 was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. No. 790) recommending that H.R. No. 653 be referred to the Committee on Finance with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 653, as amended, was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 791) recommending that H.R. No. 444 be referred to the Committee on Judiciary.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 444 was referred to the Committee on Judiciary.

Representative Takamura, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 792) recommending that H.C.R. No. 115 be referred to the Committee on Consumer Protection and Commerce with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the majority of the Committee was adopted and H.C.R. No. 115, as amended, was referred to the Committee on Consumer Protection and Commerce.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 793) recommending that H.R. No. 238 be referred to the Committee on Consumer Protection and Commerce with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 238, as amended,

was referred to the Committee on Consumer Protection and Commerce.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 794) recommending that H.C.R. No. 49 be adopted.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.C.R. No. 49 was adopted.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 795) recommending that H.R. No. 79 be adopted.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 79 was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 796) recommending that H.R. No. 497 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 497 was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 797) recommending that H.R. No. 576 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 576 was adopted.

Representative Shito, for the joint Committees on Housing and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 798) recommending that H.R. No. 296 be adopted with certain amendments.

On motion by Representative Shito, seconded by Representative Takamura and carried, the report of the joint Committees was adopted and H.R. No. 296, as amended, was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No.

799) recommending that H.R. No. 647 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 647 was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 800) recommending that H.R. No. 646 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 646 was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 801) recommending that H.R. No. 503 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 503 was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 802) recommending that H.R. No. 332 be adopted with certain amendments.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 332, as amended, was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 803) recommending that H.R. No. 575 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 575 was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 804) recommending that H.R. No. 130 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committees was adopted and H.R. No. 130, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 805) recommending that H.R. No. 143 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committees was adopted and H.R. No. 143, as amended, was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 806) recommending that H.R. No. 642 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 642, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 807) recommending that H.C.R. No. 120 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.C.R. No. 120, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 808) recommending that H.R. No. 645 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 645, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 809) recommending that H.R. No. 644 be adopted with certain amendments.

On motion by Representative

Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 644, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 810) recommending that H.R. No. 643 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 643, as amended, was adopted.

Representative Uechi, for the joint Committees of Agriculture and Judiciary, presented a report (Stand. Com. Rep. No. 811) recommending that H.C.R. No. 126 be adopted.

On motion by Representative Uechi, seconded by Representative Roehrig and carried, the report of the joint Committees was adopted and H.C.R. No. 126 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 812) recommending that H.R. No. 441 be adopted with certain amendments.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 441, as amended, was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 813) recommending that H.R. No. 581 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 581 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 814) recommending that H.R. No. 579 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 579 was adopted.

Representative Uechi, for the Committee on Agriculture, presented

a report (Stand. Com. Rep. No. 815) recommending that H.R. No. 427 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 427 was adopted.

Representative Kawakami, for the joint Committees on Water, Land Use, Development and Hawaiian Homes, and Environmental Protection, presented a report (Stand. Com. Rep. No. 816) recommending that H.R. No. 500 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committees was adopted and H.R. No. 500, as amended, was adopted.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Environmental Protection, presented a report (Stand. Com. Rep. No. 817) recommending that H.R. No. 499 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committees was adopted and H.R. No. 499, as amended, was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 818) recommending that H.R. No. 591 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 591 was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 819) recommending that H.R. No. 433 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 433 was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 820) recommending that H.R.

No. 650 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 650 was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 821) recommending that H.R. No. 194 be adopted with certain amendments.

Representative Shito moved that the report of the Committee be adopted and H.R. No. 194, as amended, be adopted, seconded by Representative Kondo.

Representative Abercrombie then rose and stated:

"Just a few words on H.R. No. 194, HD 1. I am speaking in favor of the bill abolishing restrictions on conversion of single-family residences to two-family dwellings. I think this is another of a progressive nature of the Housing Committee and I think it is to be commended. Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 194, as amended, was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 822) recommending that S.C.R. No. 9 be adopted.

On motion by Representative Shito, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.C.R. No. 9 was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 823) recommending that H.R. No. 636 be adopted.

On motion by Representative Shito, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 636 was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 824, recommending that H.R. No. 481 be adopted with certain amendments.

On motion by Representative Shito, seconded by Representative Kondo

and carried, the report of the Committee was adopted and H.R. No. 481, as amended, was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 825) recommending that H.R. No. 535 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 535 was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 826) recommending that H.R. No. 590 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 590 was adopted.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Agriculture, presented a report (Stand. Com. Rep. No. 827) recommending that H.R. No. 598 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the joint Committees was adopted and H.R. No. 598, as amended, was adopted.

Representative Takamura, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 828) recommending that H.C.R. No. 132 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the majority of the Committee was adopted and H.C.R. No. 132 was adopted, with Representative Sutton voting no.

Representative Takamura, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 829) recommending that H.R. No. 717 be adopted.

On motion by Representative Takamura, seconded by Representa-

tive Kunimura and carried, the report of the majority of the Committee was adopted and H.R. No. 717 was adopted, with Representative Sutton voting no.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 830) recommending that H.R. No. 185 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 185, as amended, was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 831) recommending that H.R. No. 292 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 292, as amended, was adopted.

Representative Takamura, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 832) recommending that H.R. No. 430 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the majority of the Committee was adopted and H.R. No. 430, as amended, was adopted, with Representative Sutton voting no.

Representative Takamura, for the joint Committees on Youth and Elderly Affairs and Housing, presented a report (Stand. Com. Rep. No. 833) recommending that H.R. No. 333 be adopted.

On motion by Representative Takamura, seconded by Representative Shito and carried, the report of the joint Committees was adopted and H.R. No. 333 was adopted.

Representative Takamura, for the joint Committees on Youth and Elderly Affairs and Housing, presented a report (Stand. Com. Rep. No. 834) recommending that H.R. No. 573 be adopted.

On motion by Representative Takamura, seconded by Representative Shito and carried, the report of the Commit-

tee was adopted and H.R. No. 573 was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 835) recommending that H.R. No. 670 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 670, as amended, was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 836) recommending that H.C.R. No. 9 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 9 was adopted.

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

The House of Representatives reconvened at 12:56 o'clock p.m.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 837) recommending that H.R. No. 462 be referred to the Committee on Health, with certain amendments.

Representative Takamura moved that the report of the Committee be adopted and notwithstanding the recommendation of the Committee that H.R. No. 462, as amended, be referred to the Committee on Health, that H.R. No. 462, as amended, be adopted, seconded by Representative Kunimura.

Representative Segawa then waived referral of H.R. No. 462, as amended, to the Committee on Health.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.R. No. 462, as amended, was adopted.

Representative Takamura, for

the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 838) recommending that H.C.R. No. 116 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 116, as amended, was adopted.

CONFERENCE COMMITTEE REPORT

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate on H.B. No. 360, presented a report (Conf. Com. Rep. No. 1) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 360, as amended, was deferred until tomorrow, April 8, 1975, and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 360, HD 1, SD 1, CD 1 were made available to the members of the House at 10:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 786 to 788) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 786) extending congratulations and best wishes to the University of Hawaii Rainbow Baseball Team on the occasion of their winning the First Annual Rainbow Easter Baseball Tournament was jointly offered by Representatives Mizuguchi, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Garcia, Ho, Kamalii, Kiyabu, Lee, Lunasco, Machida, Morioka, Naito, Peters, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Uechi, Ushijima, Yuen and Wakatsuki.

On motion by Representative Mizuguchi, seconded by Representative Ushijima and carried, H.R. No. 786 was adopted.

A resolution (H.R. No. 787) congratulating the Hanapepe Rivermen upon winning the 1975 Kauai AJA Senior League Championship was jointly offered by Representatives Kawakami, Abercrombie, Ajifu, Cobb, Garcia, Hakoda, Kimura,

Kiyabu, Kunimura, Larsen, Lee, Lunasco, Machida, Morioka, Roehrig, Shito, Sutton, Yamada, Yap and Yuen.

On motion by Representative Kawakami, seconded by Representative Yamada and carried, H.R. No. 787 was adopted.

A resolution (H.R. No. 788) commending the United States Military in Hawaii for helping to build a public park on the leeward coast was jointly offered by Representatives Peters, Ho, Akizaki, Cayetano, Cobb, Inaba, Kiyabu, Larsen, Lee, Machida, Morioka, Naito, Oda, Roehrig, Sakima, Santos, Soares, Stanley, Sutton, Suwa, Takamine, Uechi, Ushijima and Yuen.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 788 was adopted.

At 1:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

At this time, Representative Soares rose and stated:

"Mr. Speaker, under the Announcements, I think it appropriate that I should notify this honorable body that Representative Joseph Garcia had a heart attack on Saturday afternoon at his residence and is now confined at Hilo Memorial Hospital. I've talked to Mrs. Garcia this morning and I will be speaking with her this afternoon and will inform the leadership as to what condition he's in."

At 1:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 1240, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Lee moved that the House disagree to the amendments proposed by the Senate to H.B.

No. 1240, HD 1, seconded by Representative Takamine.

Representative Lee then explained the amendment as follows:

"Mr. Speaker, this bill originally was to take care of an administrative problem at the University of Hawaii, and has been amended to include satellite City Halls; Section II, Section III, the governor shall review request for informational services and it is an appropriation; and Section V, it also appropriated the State Immigration Center in Leeward for \$20,000.00."

On motion by Representative Lee, seconded by Representative Takamine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1240, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Lee, Chairman; Suwa and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 327, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to H.B. No. 327, HD 1 seconded by Representative Uechi.

At 1:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

Representative Roehrig then explained the amendment as follows:

"Changes made by the Senate are voluminous - it's a forty-six page bill and I would just say that every single page has got a very substantial amendment. This is the reason for the disagreement. We might be in conference for a couple three days on this one."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 327, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Uechi, Yamada, Yap, Kondo, Cobb, Fong, Medeiros and Oda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1852, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1852, HD 1 seconded by Representative Uechi.

Representative Roehrig then explained the amendment as follows:

"The Senate changed the philosophy of this bill to put in the provision relating to the expungement of bail forfeiture situations that the House had purposely and intentionally deleted, and so we are disagreeing with that and will go into conference for that."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1852, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yap, Chairman; Naito and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 126, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to H.B. No. 126, HD 1, seconded by Representative Uechi.

Representative Roehrig explained the amendment as follows:

"The Senate made some changes in the bill. There's need for some clarification regarding some of the provisions of the measure and I met on this with your Judiciary Committee and this is our decision."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed

by the Senate to H.B. No. 126, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Yamada and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 127, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to H.B. No. 127, HD 1, seconded by Representative Uechi.

Representative Roehrig explained the amendment as follows:

"The Senate had made some philosophical changes as far as who you register with and other provisions, and the Judiciary Committee discussed that. We disagree on this matter."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 127, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Uechi, Yamada, Stanley, Lee, Kondo, Carroll, Medeiros and Oda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 430, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House disagree to the amendments proposed by the Senate to H.B. No. 430, HD 1, seconded by Representative Uechi.

Representative Roehrig then explained the amendment as follows:

"Changes are rather substantive in nature."

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 430, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Stanley, Chairman; Roehrig, Naito and Kamalii were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 372, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House disagree to the amendments proposed by the Senate to H.B. No. 372, seconded by Representative Akizaki.

Representative Suwa explained the amendment as follows:

"This is the area that the title is a minor bill sent over - house cleaning bill sent over but came up with a major amendment as to another look at the CIP."

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 372 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Kiyabu, Inaba, Kihano, Kondo, Kunimura, Mizuguchi, Morioka, Peters, Lunasco, Ajifu, Amaral, Clarke, Hakoda and Kamalii were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1742, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1742, HD 1, seconded by Representative Lee.

Representative Abercrombie then asked:

"Mr. Speaker, are we on Senate Communication No. 261?"

The Chair replied:

"Communication No. 268, Representative Abercrombie."

Representative Soares then stated:

"Mr. Speaker, I would like to assist the Chairman of the Finance Committee. I think we are at a

point of indicating to this body what the disagreement was on this Bill 1742, Unemployment."

Representative Suwa then replied:

"Yes, the move was to disagree as to the amendment made to the title 'Unemployment'. But, regularly what the Senate did was to add on roughly \$13 million or so to the original bill, Mr. Speaker."

On motion by Representative Suwa, seconded by Representative Lee and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1742, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Lee, Chairman; Takamine, Yuen, Akizaki, Kihano, Peters, Ajifu, Fong and Santos were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1779, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1779, HD 2, seconded by Representative Akizaki.

Representative Suwa then explained the amendment as follows:

"This was, Mr. Speaker, the retirement interest earned that the House sent out from four and one-half to five and the Senate changed it from four and one-half to four and three-fourth, Mr. Speaker."

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1779, HD 2 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Lee, Chairman, Takamine, Yuen, Akizaki, Kihano, Peters, Ajifu, Fong and Santos were appointed as Managers on the part of the House for the consideration of said amendments.

SUSPENSION OF RULES

On motion by Representative Kimura,

seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Final Reading on the basis of a modified consent calendar.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 106, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 106, and H.B. No. 106, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"I would just say, by way of discussion, the Senate revised the wording of the bill; however, the intent and the substance remain the same."

The motion was put by the Chair and carried, and H.B. No. 106, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 108, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 108, HD 1, and H.B. No. 108, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"Mr. Speaker, this particular bill, just to give some explanation, is Act 45, Repeal. The Senate did nothing more than made some stylistic changes and streamline the language and corrected typographical errors that we had made. The substance of the bill is the same."

The motion was put by the Chair and carried, and H.B. No. 108, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and

Lunasco being excused.

By unanimous consent, H.B. No. 115, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 115, HD 2, and H.B. No. 115, HD 2, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"This is a Uniform Parentage Act. The Senate inserted a provision that was requested by Judge Vitousek that was just clerical error, that was not included in the House Bill, and it was non-controversial. It was inadvertently deleted by the Legislative Reference Bureau when the bill was drafted, so this is the reason for the agreement."

The motion was put by the Chair and carried, and H.B. No. 115, HD 2, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 259, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 259, HD 1, and H.B. No. 259, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained that the "Senate amended this bill to include persons in possession of land who suffer damage over and above just the owner of the land. I think this was the sense and the intent of the House on this matter, and the Senate merely clarified it."

The motion was put by the Chair and carried, and H.B. No. 259, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 481, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved

that the House agree to the amendments proposed by the Senate to H.B. No. 481, and H.B. No. 481, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained he "discussed the matter with Representative Suwa who also was named on the referral. The Senate draft corrected a section number which was a typographical error — that was all."

The motion was put by the Chair and carried, and H.B. No. 481, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 518, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 518, and H.B. No. 518, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"Mr. Speaker, the Senate merely added a section which would make it clear that no civil liability could attach for the peer review committees within the association to discuss this matter with themselves."

The motion was put by the Chair and carried, and H.B. No. 518, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 822, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 822, HD 1, and H.B. No. 822, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"Mr. Speaker, all the Senate did was to amend the bill to provide

for numerical consistency in the sub-paragraphs."

The motion was put by the Chair and carried, and H.B. No. 822, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 927, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 927, HD 1, and H.B. No. 927, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained that "the Senate draft made corrections as to unintentional deletions of this section in the Hawaii Revised Statutes, 1974 Supplement, and there were no other changes made in the bill."

The motion was put by the Chair and carried, and H.B. No. 927, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 929, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 929, HD 1, and H.B. No. 929, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained that the "Senate draft just corrected one typographical error in the House bill."

The motion was put by the Chair and carried, and H.B. No. 929, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 944, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments

proposed by the Senate to H.B. No. 944, HD 1, and H.B. No. 944, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained that the "Senate draft merely changes the date of implementation so that the various governmental agencies will have time to make the necessary changes and adjustments in their forms and procedures."

The motion was put by the Chair and carried, and H.B. No. 944, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

At 1:35 o'clock p.m., upon request by Representative Peters, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:37 o'clock p.m.

By unanimous consent, H.B. No. 1294, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 1294, and H.B. No. 1294, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained that "the Senate merely amended the bill making technical changes to reflect the existing statutory language. I checked this with the Finance Chairman also."

The motion was put by the Chair and carried, and H.B. No. 1294, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 1550, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Peters moved that the House agree to the amendments proposed by the Senate to H.B. No. 1550, HD 1, and H.B. No. 1550, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Roehrig.

Representative Roehrig then explained that "the Senate clarified the language in this bill, as a result of testimony received, to make it clear that it was the owner's master records which are the originals and that these people were not victimized by the pirating activities would be covered. I also checked with Chairman Yamada of the Consumer Protection Committee."

The motion was put by the Chair and carried, and H.B. No. 1550, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 1890, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 1890, HD 1, and H.B. No. 1890, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained:

"Mr. Speaker, the Senate draft deleted the part of the 'Purpose' clause which was inadvertently left in by the House, and amended the penalties section to conform to the existing law."

The motion was put by the Chair and carried, and H.B. No. 1890, HD 1, as amended, passed Final Reading by a vote of 48 ayes, with Representatives Amaral, Cayetano and Lunasco being excused.

At 1:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:41 o'clock p.m.

By unanimous consent, H.B. No. 1842, as amended by the Senate, was taken from the Clerk's desk.

Representative Sakima moved that the House agree to the amendments proposed by the Senate to H.B. No. 1842, and H.B. No. 1842, as amended, having been read throughout, pass Final Reading, seconded by Representative Takamura.

Representative Sakima then explained:

"Mr. Speaker, the House bill just said the senior citizen with the identification card; the Senate made it little tighter, for senior citizens that are on a tour group - like coming from different senior citizen groups."

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

"I would like to ask the Chairman of the Committee to yield to a question."

Representative Sakima replied: "I will."

Representative Soares then continued:

"Mr. Speaker, I would like to have him clarify again the statement made about senior citizens who are on tour groups. Is that meant to be that an individual man and woman senior citizen with their card from the city would not be admitted?"

Representative Sakima then replied:

"Mr. Speaker, that's right, because everybody may have a card and everybody could be going in free then."

At 1:43 o'clock, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

At this time, Representative Sakima withdrew his motion, and the second was also withdrawn.

By unanimous consent, H.B. No. 282, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House disagree to the amendments proposed by the Senate to H.B. No. 282, HD 1, seconded by Representative Ho.

Representative Kawakami then explained the amendment as follows:

"Mr. Speaker, the original bill was just a ministerial procedure on the part of the Land Management Division, and the Senate amended the bill by including a total change in the concept of land exchange."

On motion by Representative

Kawakami, seconded by Representative Ho and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 282, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Ho, Uechi, Morioka, Larsen and Ajifu were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 677, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House disagree to the amendments proposed by the Senate to H.B. No. 677, HD 1, seconded by Representative Ho.

Representative Kawakami then explained the amendment as follows:

"Mr. Speaker, what we're trying to do with 677 is to bring it in line with H.B. No. 1870 which has similar provisions and we don't want to complicate matters later on if both bills pass."

On motion by Representative Kawakami, seconded by Representative Ho and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 677, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Kihano, Yap, Abercrombie, Clarke and Larsen were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 516, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Takamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 516, HD 2, and H.B. No. 516, HD 2, as amended, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

Representative Takamura then explained that "basically, this bill was to modernize the language of Chapter 577 of the Hawaii Revised Statutes, and the Senate amendment makes, basically, one change, which is to increase the penalty

to parents or guardians who allow their minors to be out pass the curfew hour from \$10 to \$100 and, basically, the members of the Committee don't feel this is significant enough to warrant a conference."

At 1:48 o'clock p.m., upon request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:50 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 516, HD 2, as amended, passed Final Reading by a vote of 43 ayes to 6 noes, with Representatives Abercrombie, Ajifu, Medeiros, Poepoe, Soares and Sutton voting no, and Representatives Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 1117, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Ho moved that the House agree to the amendments proposed by the Senate to H.B. No. 1117, HD 2, and H.B. No. 1117, HD 2, as amended, having been read throughout, pass Final Reading, seconded by Representative Abercrombie.

Representative Ho then explained that the "only change that the Senate made was the word 'rotunda'."

The motion was put by the Chair and carried, and H.B. No. 1117, HD 2, as amended, passed Final Reading by a vote of 49 ayes, with Representatives Cayetano and Lunasco being excused.

By unanimous consent, H.B. No. 999, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Segawa moved that the House disagree to the amendments proposed by the Senate to H.B. No. 999, HD 1, seconded by Representative Uechi.

Representative Segawa then explained the amendment as follows:

"This bill was for the purpose of setting up a State Health Planning Act and to place this agency in the governor's office and also to have a legislative review. The Senate has changed this. I'm sorry, we were to put it in the Department

of Health and the Senate has changed it to place it in the governor's office and have taken out the legislative review and approval and we differ on this point."

On motion by Representative Segawa, seconded by Representative Naito and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 999, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Segawa, Chairman; Takamine, Naito, Stanley, Santos and Evans were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 851, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 851, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"Mr. Speaker, there were some technical errors made by the Senate when they substituted the word 'commissioner' for 'board'."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 851, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yap, Chairman; Takamine, Uechi and Hakoda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 336, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 336, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"The Senate amendment attempted

to clarify portions of the bill but in so attempting to clarify, it is the feeling of the Committee that the Senate made it more confusing."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 336, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yap, Chairman; Lee, Naito and Hakoda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 850, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 850, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"The Senate made six or seven amendments to the House bill - all of which, at this time, we just don't agree with them."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 850, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Kondo, Lee, Roehrig, Carroll and Oda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1597, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1597, HD 1, seconded by Representative Yap.

Representative Ajifu then rose and stated:

"Mr. Speaker, I object to the

consideration of that question.

Mr. Speaker, I believe this bill, 1597, has a very minor amendment. It is a very innocuous amendment. I think the Senate just changed the language, whereby it states that they must give the depositor a copy of the rules and regulations, whereas, the House proposal was that the copy be made available. It's such a minor amendment that I really feel that we can really agree on it."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1597, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Kondo, Cobb, Lee, Hakoda and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1874, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1874, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"The Senate put in a new section requiring that the contractor explain the lien rights to all the parties of the homeowner at the time or before entering the home improvement contract; and, also, the bill came back inadvertently deleting the effective date of the House bill."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1874, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Uechi, Chairman; Takamine, Stanley and Fong were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1875, HD 1, as amended by

the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1875, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"Mr. Speaker, at this time, there are some questions as to the amendments made on the definition used in the said bill."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1875, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Kondo, Stanley, Fong and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

At 2:02 o'clock p.m., on motion by Representative Kimura, seconded by Representative Poepoe and carried, the House of Representatives stood in recess until 3:00 o'clock p.m. this afternoon.

AFTERNOON SESSION

The House of Representatives reconvened at 4:09 o'clock p.m.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 612, HD 1, and the request for a conference on the subject matter of said amendments, Representatives Uechi, Chairman; Naito and Sutton were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 591, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Yuen, Chairman; Machida, Abercrombie, Ho, Blair, Evans, Ikeda and Santos were appointed as Managers

on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 637, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Lee, Chairman; Peters and Kamalii were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1281, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Kiyabu, Inaba, Kihano, Kondo, Kunimura, Mizuguchi, Morioka, Peters, Lunasco, Ajifu, Amaral, Clarke, Hakoda and Kamalii were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1628, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Segawa, Chairman; Takamine, Stanley, Santos and Evans were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1645, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Kondo, Inaba, Peters, Lunasco, Kihano, Kunimura, Mizuguchi, Morioka, Kiyabu, Lee, Machida, Amaral, Hakoda, Fong, Oda, Santos and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1732, SD 1 and the request for a conference on the subject matter of said amendments, Representatives Sakima, Chairman; Kunimura, Shito, Takamura, Ho, Ikeda and Santos were appointed as Managers on the part of the House at such conference.

At 4:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:19 o'clock p.m.

DISPOSITION OF MATTERS
PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 363, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House disagree to the amendments proposed by the Senate to H.B. No. 363, HD 1, seconded by Representative Yap.

Representative Yamada then explained the amendment as follows:

"The Senate amended the House draft by putting in a class of salespeople which we had excluded from coverage under the bill. And for that reason, we are disagreeing."

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 363, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Cayetano and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 91, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House disagree to the amendments proposed by the Senate to H.B. No. 91, HD 2, seconded by Representative Ho.

Representative Kawakami then explained the amendment as follows:

"Mr. Speaker, the Senate has amended the bill — one provision that is included in the present bill is that the 1 percent of State project appropriations for historic preservation purposes has been expanded to allow unused portions of the 1 percent to be transferred to other historic projects, and this proviso goes beyond the House position of HD 2. There also are quite a number of technical errors which appear on Senate Draft 1 in that they used the wrong Mag cards. Instead of using the House Majority Attorney's Mags, they used the LRB Mag cards;

and there are provisions in the LRB Mag cards which were not in the House cards."

On motion by Representative Kawakami, seconded by Representative Ho and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 91, HD 2 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Ho and Larsen were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1870, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House disagree to the amendments proposed by the Senate to H.B. No. 1870, HD 1, seconded by Representative Ho.

Representative Kawakami then explained the amendment as follows:

"The Senate Draft 3 includes provisions that are basically different from the House position."

On motion by Representative Kawakami, seconded by Representative Ho and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1870, HD 1 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Yap, Uechi, Roehrig, Larsen and Fong were appointed as Managers on the part of the House for the consideration of said amendments.

STANDING COMMITTEE REPORTS

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 839) recommending that H.C.R. No. 140 be referred to the Committee on Finance.

Representative Uechi moved that the report of the Committee be adopted, and notwithstanding the recommendation of the Committee that H.C.R. No. 140 be referred to the Committee on Finance, that H.C.R. No. 140 be adopted, seconded by Representative Inaba.

Representative Suwa then waived referral of H.C.R. No. 140 to the Committee on Finance.

At 4:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:55 o'clock p.m.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H.C.R. No. 140 was adopted, with Representatives Poepoe and Sutton voting no.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 840) recommending that H.C.R. No. 130 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.C.R. No. 130 was adopted.

Representative Lee, for the joint Committees on Labor and Public Employment, and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 841) recommending that H.C.R. No. 4 be adopted.

On motion by Representative Lee, seconded by Representative Stanley and carried, the report of the joint Committees was adopted and H.C.R. No. 4 was adopted, with Representative Abercrombie voting no.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Agriculture, presented a report (Stand. Com. Rep. No. 842) recommending that H.C.R. No. 127 be adopted.

On motion by Representative Kawakami, seconded by Representative Inaba and carried, the report of the joint Committees was adopted and H.C.R. No. 127 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 843) recommending that H.C.R. No. 71 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 71, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 844) recommending that H.C.R. No. 34 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 34 was adopted, with Representative Kihano voting no.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 845) recommending that H.C.R. No. 141 be adopted.

Representative Ho moved that the report of the Committee be adopted and that H.C.R. No. 141 be adopted, seconded by Representative Abercrombie.

Representative Soares then rose and stated:

"Mr. Speaker, will the Chairman of Culture and the Arts yield to a question?"

Representative Ho replied:

"My privilege."

Representative Soares continued:

"Mr. Speaker, I would like to know why the members of the Republican minority were not contacted to sign this Committee Report on this resolution? There are five of them on the Committee and four are marked 'excused'. They were neither called nor contacted to sign the Committee Report."

Representative Ho then replied:

"Mr. Speaker, the reason for that is we were waiting and it was a House Concurrent Resolution. Mr. Sutton signed it and he said we don't need the rest of the minority group."

Representative Soares then stated:

"Mr. Speaker, for the Journal, I would think that the explanation by the Chairman would not seem funny to me. I think it is the responsi-

bility of the Chairman to contact the other members of the Committee, which also included Representative Kawakami and Representative Sakima. But, I do think, in fairness and the recognition of our own getting together on our bills and resolutions, that we should make an honest effort to contact everybody to sign the Committee Report prior to having it printed."

Representative Sutton then rose and stated:

"Mr. Speaker, just for the record, I do not carry the weight of five with anybody but ladies."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 141 was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair then stated:

"The Chair, at this time, makes the following appointments of conferees on the part of the House in anticipation of communication from the Senate whereby they have disagreed to certain bills."

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 42, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Blair, Chairman; Kawakami, Inaba, Kihano, Machida, Ho, Kondo, Cobb, Cayetano, Kamalii, Oda, Clarke and Larsen were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1046, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Stanley, Chairman; Segawa, Machida, Yamada, Peters, Sakima, Evans, Clarke and Kamalii were appointed as Managers on the part of the House at such conference.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 278, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Shito moved that the House disagree to the amendments proposed by the Senate to H.B. No. 278, HD 1, seconded by Representative Cayetano.

Representative Shito then explained that he is in disagreement with the contents of the amendments and what it has done to the bill."

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 278, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Blair and Oda were appointed as Managers on the part of the House at such conference.

At this time, Representative Carroll introduced Mrs. Carla Coray, Chairperson of the Republican Party in Hawaii.

At 5:05 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:08 o'clock p.m. and the Chair made the following announcement:

"The Chair would like to make this point--the Chair requests that every member be prompt tomorrow morning--the House will adjourn and reconvene at 8:30 a.m. The Committee requests that all members dress appropriately for the occasion."

ADJOURNMENT

At 5:10 o'clock p.m., Representative Kimura moved that the House stand adjourned until 8:30 o'clock a.m. tomorrow, April 8, 1975, "and in so doing, and for all the remaining days of this session, that we do so in memory of the late John Anthony Burns, former Governor of the State of Hawaii."

Representative Soares then rose and, in seconding the motion, stated:

"Mr. Speaker, to fulfill that, then I would suggest that all members rise before we actually adjourn. I second the motion."

The motion was carried, and the House of Representatives adjourned until 8:30 o'clock a.m. tomorrow, Tuesday, April 8, 1975.

FIFTY-SEVENTH DAY

Tuesday, April 8, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 8:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Akira Sakima, after which the Roll was called showing all members present with the exception of Representatives Carroll, Evans, Kunimura, Oda, Peters and Segawa, who were excused.

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

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

At 8:36 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:37 o'clock a.m., the Vice Speaker assumed the rostrum.

The Chair then directed the Clerk to note the presence of Representatives Carroll, Evans, Kunimura, Peters and Segawa.

The following eulogies were delivered on behalf of former Governor John Anthony Burns:

Representative Wakatsuki, Speaker of the House of Representatives, stated as follows:

"Mr. Vice Speaker, I rise with a very heavy heart filled with deep and personal sadness over the passing of a dear friend and a leader among all great leaders.

Governor John Anthony Burns will live in the hearts of our people as one of our finest public servants ever to serve Hawaii's people. He treasured in his heart the welfare of his people by pursuing a life fully devoted to public service. He has indelibly imprinted into Hawaii's history, an unprecedented era of political, social and economic growth and stability for our great

State.

Governor Burns was instrumental in developing and providing Hawaii with, for the first time, a viable two-party system; a system wherein he espoused and brought into fruition a fluid and truly representative form of government.

He kept his commitment to our youngsters in the field of public education by providing a highly progressive and diversified public school system, and by providing an open and accessible institution of higher learning.

His heart was always with the working man and, as a result of his preserverance and leadership, the working class of our great State presently enjoys the benefits of many of our liberal labor laws.

He sought and helped to provide a better and a more enriched life for the disenfranchised and achieved for them a stronger voice in the affairs of government.

He did not endorse confrontation, but, rather, he preferred and believed in cooperation and understanding among the parties concerned in resolving labor-management disputes.

Perhaps, for those of us who pass through these legislative halls as elected officials, there is a special affinity. We shared with him the common experience of the rigors of campaigning, the warmth of getting to know people in the process, and the hopelessness of properly expressing appreciation and gratitude to tireless campaign workers.

We also shared with him the heavy responsibilities and agonies of making those hard decisions on the issues, of weighing the arguments, of considering the far-reaching effects of the decisions that we make, the difficulties of striking a proper balance between competing issues, and the common concern of fashioning programs to fit the needs and aspirations of the majority of the people of Hawaii. We shared with him the long hours of work and oftentimes the loneliness of public office. We shared with him the need to disagree and then to rejoin our forces to continue to work together again.

John Anthony Burns' commitment to an egalitarian society characterized by openness and accessibility was marked with dignity and strength. He was a mover of people and events in his own quiet and deliberate ways.

Mr. Vice Speaker, I recall some of the thoughts expressed to us by Governor Burns at the 1974 joint legislative session, but more specifically, his words of satisfaction for public service which all of us here would hope to be able to express when we, too, leave public service, and I quote: 'With no regrets, with an unclouded conscience, and with the knowledge that we have done our best within our limited abilities, I shall leave this office in due time; I shall leave enriched with the countless new and cherished friendships, with nothing but warm memories of the years of mutual toil toward noble ends, and with a deep and abiding love for the people in whose cause we have sought a life of public service.'

Yes, Mr. Governor, we all will miss you. We bid you fair and warm farewell."

Representative Ushijima then stated:

"Mr. Vice Speaker, since receiving the sad news of the death of former Governor John Anthony Burns, the people of Hawaii have been, in one way or another, commenting on the many things that John Burns had done for them.

For if you were to look back at his life, Jack Burns--statesman, law officer, leader, a fellow Lion, and a friend--had unselfishly dedicated himself to the cause of the perpetuation and preservation of human rights, which we so oftentimes strive to achieve. He had instilled within his heart this basic belief and acted with his heart. The accomplishments, as a result, can only be measured by the good that he had done for all of us. Consequently, all of the people of Hawaii thank him for everything.

As Majority Leader, I take this moment, on behalf of all of the majority members, to thank John Burns for his drive and perseverance in organizing the modern democratic

party.

When we look back into our political history of Hawaii, we find that this man was the force behind the climb of the democratic party into power. Jack Burns joined the democratic party when it was almost a disgrace to be a member of a non-entity as everyone thought of the democratic party. The party was so ineffective that no ordinary good man could raise it up to a respectable level. But, fortunately for us, John Burns appeared on the scene. The leadership qualities and the many personal attributes he possessed were the catalysts that brought together the splintered groups of the democratic party.

We, the beneficiaries of the dedicated work of John Burns, all turn to this great man upon his passing and confer on him our adulation, respect, and gratitude; but all this, I am sure, can best be demonstrated by our personal conduct in upholding the dignity of the office of high public trust that we hold. At a time when we go down on our knees, we stand the tallest.

Thank you, Mr. Vice Speaker."

Representative Kimura then stated:

"Mr. Vice Speaker, I rise to pay tribute to a man whose greatness and strength had its roots in a deep and abiding love for all of the people of Hawaii.

A self-educated man, Jack Burns believed in the pursuit of knowledge. This special quality was exemplified in his unique and deep commitment to higher education.

John Anthony Burns believed that programs in higher education should be balanced. He stressed academic quality for undergraduate programs and urged academic excellence in the graduate and research divisions. He encouraged athletic competition because he recognized the importance of team effort and the influence that athletics would have in drawing community support and attention to the University. But most of all, Jack Burns believed that higher education was not a mere privilege, but a right to which all of the people of Hawaii are entitled.

To accomplish these purposes, he strongly encouraged the establishment of the community college system,

which began in 1965. This was a step towards the fulfillment of his dream of equal access to the benefits of higher education by all of the people of Hawaii. He instituted the open admissions policy to the State universities and community colleges in furtherance of this goal. He continued to oppose tuition increases because he felt that nothing should hinder the right of the children of Hawaii to a higher education.

In hopes of achieving national recognition for the University, John Burns committed the resources of this State to graduate and research programs. The research program at the University now ranks as one of the top fifty throughout the nation.

The creation of the John A. Burns School of Medicine established a four-year medical program at the University of Hawaii; and the University of Hawaii Law School will be graduating its first class in 1976. These are testaments of his commitment to equal educational opportunities for all of the children of Hawaii.

For those of us who worked with him and who benefited from his dreams and inspirations, John Anthony Burns will always occupy a special place in our hearts and minds. His legacy of education is only a part of his thirty years of contributions to the history of Hawaii."

Representative Poepoe then stated:

"Today, we stand in this Chamber eulogizing a man who will be cited by our State's history books as a truly great leader of Hawaii. Every word, every honor, every tribute, is rightfully his.

Governor John Burns' political and personal life has been, and will be, described in far more glowing terms than I can offer. I regarded him as a man of humility, who set the goals and infrastructure of modern Hawaii in education, transportation, and development of the Neighbor Islands. The State of Hawaii is a focal point in the Pacific, and he played a major role in achieving this status.

Governor Burns exhibited courage throughout his political career.

I especially remember and respect his counsel to us to set aside our personal beliefs, and to work towards the best interests of our constituents. He sought to build people; he stressed the individual.

As the Minority Leader, I can say, on behalf of all Republicans, that we fully appreciate the many hours of hard work that Governor Burns invested in shaping your party when it was a struggling minority. I can only express the greatest respect and admiration for what he accomplished for you. His legacy to you is the solid foundation on which you, today, are building. His legacy to all of us is the man and his achievements.

Thank you."

Representative Soares then rose and stated:

"Mr. Vice Speaker, I rise to speak, hopefully, a few words, from the deepest part of my heart, on behalf of Governor John Anthony Burns.

A year ago, Friday, April 11th, I had the most difficult task ever in my life when I was asked, surprisingly, and called to speak in favor of Governor Burns at his farewell gathering here in this Chamber.

I have had the pleasure of travelling with Governor Burns. I have had the pleasure of meeting with him in his office. I have had the pleasure of being told, 'Buddy, you're a thorn in my side and, sometimes, you drive me up the walls.' I have had the pleasure of serving with him as leader for six years--eight years in all. And, a year ago, I had the opportunity to say a few words of what I felt about this wonderful man.

It is not a difficult task, Mr. Vice Speaker, to say something about someone you admire, you respect, and you wish that you had someone to lead you and solve your own tasks the way many of you majority members had him to lead you. On the other hand, it is also a great opportunity for someone to express the thoughts of someone he worked with and for common goals as I have, here in this Chamber, for many, many years. And then, again, a year and a half ago, I had the pleasure of travelling with him to Oregon for the Western Governors' Conference, and that was in September, and I spent a

week with Governor Burns and Mrs. Burns and their travelling party and it occurred to some of us then the Governor was not well. After returning home from that Conference, the Governor became ill and, today, we sit here and stand here with heavy hearts to pay tribute to a fine and fearless leader.

Mr. Vice Speaker, many words will be spoken this morning and for the next few years about this man--a very deeply religious man; a man with a lot of guts and heart to look ahead into the future and take on many, many obstacles and driving this State to where it is today. It is not a matter of party; it is not a matter of majority or minority, when you honor someone like this. It is a matter of calling it like it is and, as I always say, 'calling a spade a spade.'

Mr. Vice Speaker, I do think that the best thing we can say this morning is, 'God bless you, John Anthony Burns. May the Lord keep you and may our prayers help to raise you in the Heaven; to climax your life on Earth; and the beginning of your life in Heaven.'

Thank you, Mr. Vice Speaker."

Representative Abercrombie then rose and stated:

"I rise to speak a few words on behalf of John Anthony Burns, Mr. Vice Speaker.

There have been few men in the political history of the United States who know more about the emotions, the hopes, and the dreams of his people, than Governor Burns. His first winning gubernatorial campaign was also the first in which I participated. He then urged us toward a new horizon. I vowed then, to myself, that I would try to be worthy of the islands who had given me my home.

Now he is gone and a new horizon beckons us. May we all prove worthy in the task entrusted to us by John Anthony Burns.

Thank you."

Representative Amaral then rose and stated:

"I rise to extend the condolences

of the people of Maui and myself to the family of former Governor John A. Burns.

The former Governor, in his vision and foresight, provided an insight for the neighbor islands which no man, of any political persuasion, can fault. It was John A. Burns, Governor, who stressed the need for sound economic growth throughout all the islands of Hawaii. As a father, which he was, he made certain that each island, and its people, received its fair share. This quiet man believed that agriculture was the key for the basic rural neighbor islands as Oahu became more and more urbanized.

The education of Hawaii's children was another of his major goals. And, under his firm guidance, an aggressive educational program touched every corner of this State.

Although he did not live to see his vision reach its full potential, I believe that he had seen how far-reaching the plans he layed were, and how close to success they are.

The people of Maui bid you aloha, Governor Burns, with their proud phrase, Burns 'no ka oe.' "

Representative Sutton then rose and stated:

"Mr. Vice Speaker, may I rise to pay homage to the memory of Governor John Anthony Burns.

In the world of sports, we all cherish the concept of good sportsmanship. Like sports, politics has a winner and a loser. I am going to read a letter that Mrs. Sutton and I received from Governor Burns last November. To me, it epitomizes the essence of good sportsmanship translated into politics. I shall read Governor Burns' letter verbatim, as the words and thoughts have great beauty, and will always be a cherished memory for Mrs. Sutton and myself.

May I share this letter with you, the House of Representatives, the Eighth State Legislature of the State of Hawaii, as a living memorial to Governor John A. Burns:

'EXECUTIVE CHAMBERS
Honolulu

November 13, 1974

Dear Representative-Elect Sutton:

Please accept my warmest congratulations on your election to the House of Representatives in the General Election.

Although we are of different political parties, I take satisfaction in seeing your determination to serve Hawaii finally rewarded by success. I know it has been your ambition to serve in the tradition of your family, and I am happy that you have finally realized that ambition.

It seems to me, too, that Mrs. Sutton should share in credit for your victory, for I know she has worked long and hard in your campaigns, all of them, and I know she has won supporters for you. Please extend to her my congratulations.

Warmest personal regards.
May the Almighty be with you
and yours always.

Sincerely,

/s/ John A. Burns' "

Representative Roehrig then rose and stated:

"Thank you, Governor Burns, for what you did personally for me and my family, and for the people of Hawaii. Thank you for those of your administration and supporters such as Bert Kobayashi and Hiroshi Tanaka and members and former members of this honorable body who have taken the time to guide my path and the path of others.

Thank you, Governor Burns."

Representative Kihano then rose and stated:

"Mr. Vice Speaker, I would like to, at this time, for Representative Cayetano and Representative Lunasco to stand. I think they echo the words I am going to echo here this morning on behalf of Governor Burns.

The principle that the former Governor operated from was best formulated by the late President Kennedy's philosophy that 'all of us do not have equal talents but all of us should have equal opportunity to develop our talents.' John A. Burns recognized the diverse talents of the different

ethnic groups and provided opportunities for these talents to develop. These opportunities culminated in affording all the ethnic groups a chance for economic self-sufficiency and community respect.

For the Filipinos, it meant having opportunities in business and labor; to become contributing societal members; it meant having opportunities in government--as decision makers in the roles of commission members, administrative advisors, legislators; it meant opportunities in judicial activities as attorneys and as judges--and the origins of these opportunities can all be traced in part to the efforts of one man--a man who the Filipinos respected; a man who listened to the concerns of the Filipinos; a man who had made more opportunities than he found. His name--John Anthony Burns. He will be remembered by the Filipino community through generations. He remains in spirit, though he has left us. From the Filipinos, our fond farewell.

Thank you, Mr. Vice Speaker."

Representative Naito then rose and stated:

Mr. Vice Speaker, honorable colleagues, I rise on this most solemn occasion to speak about a man whom I deeply respected and who was a continuing inspiration to me--former Governor John Anthony Burns. I face this day with a sense of personal loss, for a man has left our presence who was remarkable in every conceivable way; a great man whom I had the honor and personal satisfaction of knowing; a man who recognized the need for diversity and fresh approaches. And, Mr. Vice Speaker, may I humbly add, at the beginning of my own political career, this was the man who encouraged me to play an active role in the future of Hawaii.

Mr. Vice Speaker, when I think about John Burns and his numerous achievements, one thought keeps re-occurring: he was a man who, at the twilight of his political career, was still the most visionary leader in the State. At a time when most people should be satisfied to rest in the glow of their past accomplishments, John Burns was still vitally interested in the future of our State and the place where our children were to be raised. He still took the time to examine the problems facing the State, to question the reasons for their existence, and to attempt to solve them. He sought new answers.

He promoted the influx of new ideas. He was a man who assumed that solutions must be available and he encouraged in others this same desire--a desire not to be satisfied with answers from the past. He instilled a burning need to retain the vigor with which we searched for answers, and he nourished new ideas and sought to further the creativeness in us all.

Mr. Vice Speaker, I cannot express the tremendous sense of loss that I feel, a loss that I know is shared by all of the people of this State. We have lost a true man of knowledge.

Thank you."

Representative Yuen then rose and stated:

"Mr. Vice Speaker, I wish to join my colleagues of the House in paying our special tribute to Governor John A. Burns. I know that other speakers will extoll Governor John A. Burns' great leadership, his eminence in our chosen field, and his well deserved stature as a national leader. Therefore, I will not dwell on that aspect of his life.

I would like to pay special tribute, not to Governor Burns, but to Jack Burns, 'the man.'

Jack called me into his office in 1969 to appoint me the first Consumer Protector of the State of Hawaii. I'll never forget that meeting with him because of the brief conversation we had. 'The man' only said 'Okay, Jann, it's your job.' Then I said, 'Governor, surely, you must have some instructions for me.' His response was, 'No, it's your show.' That was the end of the conversation. True to his words, he never called me in to tell me how to do my job. That's the kind of man he was.

From that day on, 'the man' became a father to me. Whenever I needed his advice, he made time for me. When I had my first testimonial dinner, he honored my wife and me by attending, and so eloquently spoke on my behalf. The Governor rarely attended testimonial dinners. That's how loyal 'the man' was.

I have many other pleasant

memories with 'the man', and they will forever be with me. I'm grateful that I shared these moments with Jack Burns.

Mr. Vice Speaker, in conclusion, I wish to extend my heartfelt sympathy to Mrs. John A. Burns and her loved ones.

Thank you very much."

Representative Medeiros then rose and stated:

"Mr. Vice Speaker, I speak for all of us when I say we have lost a very close friend. For me, my friendship with Governor John A. Burns goes back nearly 20 years.

It was the former Governor Burns, who among many, first sparked my interest in politics. Even though it was not from the party of his political faith that I chose to seek office, he encouraged my efforts and remained a close friend for, in Governor Burns, friendship was the most, and I repeat, in Governor Burns, friendship was the most important factor.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Vice Speaker, I rise to say aloha to Governor John A. Burns.

In behalf of my family, I wish to extend my deepest sympathy to Mrs. Burns and her family. We shall all miss him. Governor Burns' continued interest in the preservation of our Hawaiian heritage and culture will always be remembered by our aha hui. Throughout his life, he lived up to our motto--"Ua mau ke ea o ka aina e ka pono--the life of the land is preserved by righteousness.' To you Governor Burns, me kealoha pau oli."

Representative Cobb then rose and stated:

"Mr. Vice Speaker, I rise to join in the tributes on the floor of this House.

In passing the Capitol, it is difficult to imagine this place without the 'Great White Father' coming down the driveway. As you look at this place, it more and more reminds you of the house that John Burns built. In the corner of this building, there is a very simple plaque that marks the dedication of this building, and it is like so many

things he accomplished without accolades; with the philosophy that deeds spoke far louder than words. It is difficult to travel in our State without seeing the works of this wonderful man on any island, in any community, or in any school.

For those of us who were privileged to walk with him, we have much to tell, both among ourselves and to our children. His most enduring legacy will be his effect on all of our lives, both for now and for far into the future.

I would like to join with the other members of the House in extending my deepest sympathy to the family.

Thank you."

Representative Takamine then stated:

"Mr. Vice Speaker and members of this House: I am sure that Governor Burns would be real embarrassed if he was sitting here with us and hearing so many good things talked about him. I didn't prepare anything; I felt that there are many here that are more eloquent and they would be able to speak about Governor Burns. But I feel that I would be remiss if I didn't say a few words. I understand that yesterday afternoon, all the unions got together--the leadership--and decided that they would all encourage their membership to come out and in a half an hour interval, keep Governor Burns company for the twenty-two hours that he will lie in State here at the rotunda.

It is like Governor Burns who always said that 'it is not words; it is not the speeches, but he will be charged by what you do' and I am sure that all the workers throughout the State, especially those retirees, those older people, that remember those days when they were working for a few pennies an hour as compared to the lowest pay for the sugar workers that will be \$4.25 come next February. And as they think about those retirement plans, those medical plans, or workmen's compensation, our unemployment compensation, I am sure that they would all be thinking about Governor Burns.

I am sure most of us felt, yesterday,

that the Legislature should, and we would have adjourned, at least for a few days, but, again, it is like Governor Burns, and to his family, that requested that we work for him. I am sure that he has set an example for the very poorest of this State--all the way from Kalihi to Kohala--that there is opportunity, for he has set an example for all the children of this State from a very humble beginning, surmounting many obstacles. He was elected to the highest office in the State of Hawaii. I think no man can set a better example.

Today, all the workers are sitting on the Boxing Commission, in every board or commission of the State, and participating in those activities that affect the lives and the lives of all their fellowmen. And I can think of no other person that contributed so much in bringing a government closer to the working people and giving them the opportunity.

I think the essence of the leadership of our great leader is that he lived behind any leaders that would carry out the work that he has set; the goals that he has set; the programs that he has built; and look around here and throughout the State. I think we can be satisfied that he has done the job real well for all the people throughout the State for years to come, to keep on enjoying the benefits that he has helped to create and help started.

All the workers throughout the State will miss you, Mr. Governor, and we will miss you with a terrible ache. May God Bless you; may you rest in peace.

Thank you very much."

Representative Suwa then stated:

"Mr. Vice Speaker, I rise with full of emotion. The leadership has expressed its sentiment of the people of the State of Hawaii. I will not continue, but let me say that my heart bleeds with tears.

Aloha, Governor."

Representative Yap then stated:

"Mr. Vice Speaker, I rise today, this morning, on behalf of the people of Kalihi, to bid Jack A. Burns, Governor Burns, a fond farewell.

I would like to say a few words. My friendship with the former Governor

stems back quite a few years when he pitted against Joe Farrington, Betty Farrington, and former Governor Quinn. We were called, some of the boys--among them was Doc Chang and the rest, and Toshi Hirakawa--to get into the Democratic Party. It was in the year 1947 when I first paid my dollar to be a democrat. That is when it all started. I remember putting posters up for him in Kalihi--all over Kalihi. I remember working at his headquarters at the old McInerny on King Street. I remember having late dinners with him. He was a lonely man and his famous night-time restaurant was *Ciro's*. We used to sit and 'bat the breeze.' The conversation wasn't politics--it was who was still living on Kam IV Road, Middle Street; who was up in Kalihi Valley; are they still there. He was an ordinary guy. The conversation between he and I was mostly, like you say, Kalihi level. He had never talked and said anything bad about people or about things that couldn't be done.

I remember him saying distinctly, 'Politics is a game. It is not whether you win or lose. It is how you play the game and, above all, don't be afraid to win; don't be afraid to lose. If you are going to win, win like a king; if you are going to lose, lose like a prince.'

So, again I say, Governor, from the people of Kalihi--our fond farewell and aloha.

Thank you."

Representative Evans then stated:

"Mr. Vice Speaker, I, too, would like to pay tribute to a very great man. Those of us who had the honor of meeting Governor John Anthony Burns knew his warmth and understanding.

Some years ago, as a young mother, I became involved in the educational system of Hawaii. Becoming somewhat frustrated with the system, I wrote Governor Burns a lengthy letter expounding my views. I did not expect a reply to my letter, but less than a week later, a letter from the Governor arrived. It was filled with warmth and understanding of my concerns. I still have that letter and it will be cherished memento of a great man.

A few years ago, when I made a presentation to the Governor on behalf of the PTA, I took my two little girls with me. In childish fashion, one of my daughters began singing a song in the middle of the presentation. Governor Burns gave one of his famous winks, walked over to her, and said, 'How did you know that was my favorite song?' Then he took her by the hand and we finished the presentation.

And, so I say to this great man--Aloha Nui Loa from the bottom of my heart."

Representative Kunimura then entered into the Journal his tribute, as follows:

"Mr. Vice Speaker, thank you for this opportunity to enter into the records my sentiments of that great American, Governor John Anthony Burns, who had passed away prematurely, denying him the fruits of retirement that he so richly deserved. He was indeed a great Governor, probably the best that Hawaii will ever have. His compassion and understanding of the human being was not fully understood and appreciated by many, but I remember him best as a man who understood the science of politics and excelled in the practice of it far beyond anyone of us.

There were times when I differed with Governor Burns' decision and I did not hesitate to say so. I am not sure whether he appreciated my comments or not, but I have always felt that he tolerated my outbursts as if our 'Great White Father' fully understood a young kid's tempestuous personality. I am sure that I was not alone in this experience. Although my knowledge is greatly limited, I know and am positive about one thing--despite my utterances about my differences with Jack Burns, my respect, admiration and loyalty to him were well placed and justified.

I am thankful that this great man appeared on the political scene when he did, for it was a period best described as a political desert for the democrats. This Messiah did not wave his hands, but simply rolled up his sleeves and proceeded to skillfully begin to build the foundation to support the ideals of our political party that are still very much with us today, and will remain so for a long, long time. In his

efforts to develop this oasis in the desert, he committed himself to self-sacrifice, often the target of the skeptics and big business. Today, these same skeptics and the pillars of our business sector all sing praises of him. He has stood the test of time.

In any field of endeavor, there is always a few that stand out among his peers. It is known in sports as a super star. Jack Burns was our super star of Hawaiian politics and we will miss him sorely, especially his great skill in bringing people of opposing philosophies together to work as a team. Perhaps, the legacy he leaves behind will, in some way, help us find our way.

So, Mr. Vice Speaker, I give thanks that Jack Burns was my leader and confess that I was very fortunate to have lived in the era of John Anthony Burns."

Representative Inaba then stated:

"Mr. Vice Speaker, it will be remiss on my part if I did not pay tribute to a wonderful person, Governor John A. Burns. It is difficult for me, representing the constituents of the Hawaii district, to express our deep sense of gratitude for the wonderful things he did for our district. I think we all know the many, many projects that he spearheaded for our district. His dedication, his visit, and his support for the social and economic well-being of our constituents, citizens of

our side of the island, will not be forgotten and I would like to, on behalf of the constituents of our district, say, 'Rest in peace, Governor John A. Burns.' "

At 9:24 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:25 o'clock a.m., the Speaker resumed the rostrum.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 285) transmitting Senate Concurrent Resolution No. 144 extending the condolence of the Legislature on the behalf of the people of the State of Hawaii to the family of John Anthony Burns, was read by the Clerk and was placed on file.

On motion by Representative Ushijima, seconded by Representative Poepoe and carried, S.C.R. No. 144 was adopted by a rising vote.

ADJOURNMENT

At 9:31 o'clock a.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:45 o'clock a.m. tomorrow, Wednesday, April 9, 1975, in memory of the late John Anthony Burns, former Governor of the State of Hawaii.

FIFTY-EIGHTH DAY

Wednesday, April 9, 1975

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

The Divine Blessing was invoked by the Reverend Robert Shimoda of the United Church of Christ, Waipahu, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Seventh Day.

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

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 74) transmitting copies of a report prepared by the Department of Health in response to S.R. No. 25, relating to the rate structure of the County/State Hospital System, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from George P. Woollard, Director, Hawaii Institute of Geophysics, University of Hawaii at Manoa (Dept. Com. No. 20) acknowledging receipt of H.R. No. 555 concerning access and use of the University of Hawaii Mauna Kea Observatory facilities by students at Hilo College, was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 286 to 340) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 286) informing the House that the Senate had disagreed to the amendments proposed

by the House to Senate Bill No. 19, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Young, Chairman; Toyofuku, Nishimura and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 287) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 42, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators R. Wong, Chairman; Yamasaki, Hulten, King, Henderson and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 288) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 637, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Toyofuku, Chairman; Yamasaki and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 289) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1200, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Young, Chairman; Toyofuku, Nishimura and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Shito, Chairman; Kondo, Blair and Oda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 290) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1679, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Takitani, Chairman; Hara

and Yee had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 291) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1046, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Toyofuku, Chairman; Taira and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 292) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 126, HD 2, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Chong and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 293) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 127, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; O'Connor, Taira, Chong and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 294) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 327, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; O'Connor, Taira, Chong and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 295) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 612, and the request for a conference on the subject matter of said amendments,

Senators Nishimura, Chairman; Hara and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 296) returning House Bill No. 352 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 297) returning House Bill No. 354 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 298) returning House Bill No. 373 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 299) returning House Bill No. 381, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 300) returning House Bill No. 383 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 301) returning House Bill No. 384 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 302) returning House Bill No. 416, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 303) returning House Bill No. 418 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 304) returning House Bill No. 419, HD 2, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 305) returning House Bill No. 424, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 306) returning House Bill No. 428, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 307) returning House Bill No. 429 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 308) returning House Bill No. 445 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 309) returning House Bill No. 606 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 310) returning House Bill No. 610 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 311) returning House Bill No. 849, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 312) returning House Bill No. 1849, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 313) returning House Bill No. 1853 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 314) returning House Bill No. 1854 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 315) returning House Bill No. 1855, HD 1, which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 316) returning House Bill No. 1877 which passed Third Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 317) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 228; and said bill, as thus amended, passed Final Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 318) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1213; and said bill, as thus amended, passed Final Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 319) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1323, SD 1; and said bill, as thus amended, passed Final Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 320) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1543, SD 2; and said bill, as thus amended, passed Final Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 321) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1665, SD 2; and said bill, as thus amended, passed Final Reading in the Senate on April 7, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 322) informing the House that Senator Duke T. Kawasaki had been added as another Manager on the part of the Senate at the conference on House Bill No. 127, HD 1, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 323) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 91, HD 2, and the request for a conference on the subject matter of said amendments, Senators King, Chairman; Hara and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 324) informing the House that pursuant to the disagree-

ment of the House to the amendments proposed by the Senate to House Bill No. 282, HD 1, and the request for a conference on the subject matter of said amendments; Senators F. Wong, Chairman; Hara and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 325) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 336, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Kuroda, Hara and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 326) informing the House that pursuant to the disagreement of the House to the amendment proposed by the Senate to House Bill No. 363, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Kuroda and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 327) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 372, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Yamasaki and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 328) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 430, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Toyofuku, Chong and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. com. No. 329) informing the House that pursuant to the disagreement of the House to the

ment proposed by the Senate to House Bill No. 677, HD 1, and the request for a conference on the subject matter of said amendments, Senators F. Wong, Chairman; Hulten, Ching, Yamasaki, King, Saiki and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 330) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 850, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Kuroda, O'Connor and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 331) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 851, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; O'Connor and George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 332) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 999, HD 1, and the request for a conference on the subject matter of said amendments, Senators Chong, Chairman; R. Wong, Toyofuku and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 333) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1240, HD 1, and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; Young and Anderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 334) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1597, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura,

Chairman; Chong, Ching and Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 335) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1742, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Toyofuku and Anderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 336) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1779, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Yamasaki and Anderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 337) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1852, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; O'Connor and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 338) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1870, HD 1, and the request for a conference on the subject matter of said amendments, Senators F. Wong, Chairman; Hulten, Ching, Yamasaki, Saiki and Henderson had appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 339) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1874, HD 1, and the request for a conference on the subject matter of said amendments,

Senators Nishimura, Chairman; Kuroda and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 340) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1875, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Young, O'Connor and Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 39 to 41) were read by the Clerk and were disposed of as follows:

A communication from Rev. Robert H. Midgley of the Second Congregational Church of Rockford, Illinois (Misc. Com. No. 39) acknowledging receipt of House Concurrent Resolution No. 91, was placed on file.

A communication from John H. Davis, Acting Regional Director, Western Region, U.S. Department of the Interior (Misc. Com. No. 40) acknowledging receipt of H.R. No. 214, was placed on file.

A communication from Mrs. Ethel C. Andrade, Vice President, Hawaii Extension Homemakers Council (Misc. Com. No. 41) acknowledging receipt of H.R. No. 778, was placed on file.

At this time, Representative Soares introduced Mr. Mike Stone, karate expert, and Mr. Henry Ayau to the members of the House.

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

Upon reconvening at 12:02 o'clock p.m., the House of Representatives met in joint session with the Senate, which was called to order by the Speaker of the House of Representatives.

By unanimous consent, George M. Takane was appointed as Clerk of the joint session.

The Speaker then announced that

the purpose of the Joint Session is to appoint an Ombudsman for the State of Hawaii pursuant to Section 96-2 of the Hawaii Revised Statutes which provides that "the legislature, by a majority vote of each house in joint session shall appoint an ombudsman. . ."

Representative Ushijima then placed in nomination the name of Herman S. Doi.

Senator Ching moved that nominations be closed, seconded by Representative Poepoe and carried.

The motion to appoint Herman S. Doi as Ombudsman of the State of Hawaii was then put to the members of the House of Representatives by the Speaker and carried by a vote of 51 ayes.

The President of the Senate then assumed the rostrum and put the motion to the members of the Senate and carried by a vote of 25 ayes.

The ballots having been so cast, Herman S. Doi was declared unanimously elected as Ombudsman of the State of Hawaii.

The President then appointed Representatives Garcia, Ushijima and Poepoe and Senators Kawasaki, Ching and Yee to escort Herman S. Doi to the rostrum where he was presented with a lei by Representative Stanley.

Mr. Doi then delivered the following acceptance speech:

"Mr. President, Mr. Speaker, members of the Senate and House of Representatives and fellow citizens:

Thank you for your vote of confidence in reappointing me to a second term as Ombudsman for the State of Hawaii.

I accept my reappointment with a humble heart, for I know that my reappointment would not have been possible without the dedicated and outstanding service performed by my first assistant, Mr. George Holt, and by the other present and past staff members of the Office.

I also realize that the Office would not exist as a viable supple-

mentary resource for members of the public for the review of the administrative action without the active and positive support and cooperation of the past and present legislators, governors, mayors, State and County administrators, the public media and the people of the State. To all these individuals, my sincere and grateful thanks.

However, I also wish to express my special gratitude to the late Governor John A. Burns for his active support of our Office during his term of office, which were the critical and formative years for the Office. To the family of the late Governor, I extend my deep and heartfelt condolences.

In accepting my reappointment to a second term, my staff members and I resolve and pledge to you, that we shall do our best to rationally resolve the administrative problems of individual members of our society with the State and County administrators.

Thank you for entrusting me once again with this important and challenging task.

Thank you."

Senator Ching then stated:

"Mr. President, I appreciate this opportunity to speak on behalf of the Majority as far as the Senate is concerned, but I think it more fitting and proper that we recognize the one person who has done more to get this Office going. I speak about the 'father' of the Ombudsman bill, the Vice President of the Senate, Senator Duke T. Kawasaki. I would like to yield to Senator Kawasaki."

Senator Kawasaki then remarked:

"Thank you, Senator Ching. When Senator Ching told me he was going to yield to me to make the remarks, I thought it was appropriate that the Majority Leader of the Senate do it, but I accept his suggestion very well.

On behalf of the entire Legislature, I would like to congratulate you, Mr. Ombudsman, on your reappointment.

Six years ago, it was my pleasure to have offered the nominating speech. The vote at that time was unanimous as it is this morning, and the unanimity of our votes attest to our confidence and our appreciation of the wonderful job you've done.

You served with integrity, with competence, and it reflects the judgment of this Legislature that created that position.

I know that you will continue to do this job in a fashion that reflects credit, not only upon yourself and your staff, but also the Legislature.

Good luck to you and we assure you of our support.

Thank you."

Representative Ushijima then stated:

"Mr. President, I rise to speak in honor of the reappointment of Herman S. Doi to his second term as Ombudsman of the State of Hawaii.

Six years ago, when the Legislature appointed Herman Doi as Ombudsman, it was predicted that he would reflect credit upon himself, the members of the Legislature and, particularly, to the office to which he was appointed.

As Hawaii's first Ombudsman and as the first State Ombudsman in the history of our nation, that prediction has come true, for during his first term in office, Mr. Doi built and nurtured the Office of the Ombudsman into a responsive, effective and respectable governmental agency which we, the people of Hawaii, can be proud of.

Before his appointment to office, he had spent many years in government service as a legislative staff member, Deputy Attorney General and researcher, and Director of the Legislative Reference Bureau. He is highly knowledgeable in government affairs and possesses an intuitive feeling for the needs of the State and its people. He is a relentless seeker of truth and fairness, an impartial critic of government, and a dedicated public servant.

Mr. Doi, a political scientist, attorney and scholar, is eminently qualified for this government office, and our reappointment today reaffirms our confidence and trust in him to continue in carrying out the duties of this important office with the same diligence and success in bringing government closer to the people.

On this note, Mr. President, I offer to Herman S. Doi, the congratulations and best wishes of all of the members of the House of Representatives for his reappointment this afternoon."

The President then added:

"There isn't much more that can be said about the appointment of Herman S. Doi as Ombudsman. He has brought honor and prestige to the Office and I know that he will continue to do so."

Representative Ushijima then introduced to the members of the Eighth Legislature, Mrs. Herman S. Doi, their daughter, Cheryl, and Mr. Doi's mother, Mrs. Takao Doi.

At 12:15 o'clock p.m., the President declared the joint session adjourned and the House stood in recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
669	Jointly to the Committees on Agriculture and Judiciary
670	Committee on Water, Land Use, Development, and Hawaiian Homes
695	Committee on Water, Land Use, Development, and Hawaiian Homes
708	Committee on Agriculture
721	Committee on Agriculture
<u>S.C.R. No.</u>	
83	Committee on Water, Land Use, Development, and Hawaiian Homes

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 on H.B. No. 360, HD 1, SD 1, CD 1 (Deferred from April 7, 1975):

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 360, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 846) informing the House that House Resolution Nos. 784 to 788, House Concurrent Resolution Nos. 149, Standing Committee Report Nos. 839 to 845 and Standing Committee Report Nos. 847 to 888, have been printed and distributed.

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

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 847) recommending that H.R. No. 368 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 368, as amended, was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 848) recommending that H.R. No. 476 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 476, as amended, was adopted.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 849) recommen-

ding that H.R. No. 641 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 641, as amended, was adopted.

Representative Lee, for the joint Committees on Labor and Public Employment and Health, presented a report (Stand. Com. Rep. No. 850) recommending that H.R. No. 242 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 242, as amended, was adopted.

At 1:07 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:08 o'clock p.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes presented a report (Stand. Com. Rep. No. 851) recommending that S.C.R. No. 83, SD 1, be referred to the Committee on Culture and the Arts.

Representative Kawakami moved that the report of the Committee be adopted and notwithstanding the recommendation of the Committee that S.C.R. No. 83, SD 1, be referred to the Committee on Culture and the Arts, that S.C.R. No. 83, SD 1, be adopted, seconded by Representative Ho.

Representative Ho then waived referral of S.C.R. No. 83 to the Committee on Culture and the Arts.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee, S.C.R. No. 83 was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 852) recommending that H.R. No. 708 be referred to the Committee on Environmental Protection.

Representative Kawakami moved that the report of the Committee be adopted and notwithstanding

the recommendation of the Committee that H.R. No. 708 be referred to the Committee on Environmental Protection, that H.R. No. 708 be adopted, seconded by Representative Ho.

Representative Blair then waived referral of H.R. No. 708 to the Committee on Environmental Protection.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.R. No. 708 was adopted.

Representative Uechi, for the joint Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 853) recommending that H.R. No. 695 be referred to the Committee on Finance with certain amendments.

Representative Uechi moved that the report of the joint Committees be adopted and notwithstanding the recommendation of the joint Committees that H.R. No. 695, as amended, be referred to the Committee on Finance, that H.R. No. 695, as amended, be adopted, seconded by Representative Kawakami.

Representative Suwa waived referral of H.R. No. 695, as amended, to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the joint Committees was adopted and notwithstanding the recommendation of the joint Committees, H.R. No. 695, as amended, was adopted, with Representative Blair voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 854) recommending that H.R. No. 724 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 724 was adopted.

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

Com. Rep. No. 855) recommending that H.C.R. No. 135 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 135 was adopted.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Agriculture, presented a report (Stand. Com. Rep. No. 856) recommending that H.C.R. No. 143 be adopted with certain amendments.

Representative Kawakami moved that the report of the joint Committees be adopted and that H.C.R. No. 143, as amended, be adopted, seconded by Representative Uechi.

Representative Larsen then rose and stated:

"H.C.R. No. 143, HD 1, talks about building a TH-3 into the Windward side of the island to get ready for an expansion of population in that area. I think it is a little bit ridiculous to talk about maintaining agricultural lands. I hope that this Committee that studies this idea of lands for agriculture in the area actually get into it and try to do something in that regard rather than just build up more urban sprawl in the Waiahole-Waikane area."

Representative Cobb then stated:

"Mr. Speaker, along the same lines of my colleague from the 8th District, I would like to request that a 'no' vote be recorded because these resolutions (H.C.R. No. 143, HD 1 and H.R. No. 147, HD 1) seem to be laying the ground work before the concrete is put down for the TH-3 and the subsequent population expansion on the Windward side."

Representative Abercrombie then stated:

"Mr. Speaker, I submit, this afternoon we'll be having a bill on general policy planning trying to come to conclusion for a State general plan, State plan, rather. And in the preamble concerning the purpose of that bill, you will find that one of the things mentioned is this sprawling of the highway of which TH-3 is a prime example. Just indicating some of the language from that bill that relates directly

to this resolution that the Legislature finds all too often - program shape planning instead of policy determining planning; and programs conforming to the policies and plans that is probably one of the most pertinent observations that will be made in this Legislature, and it bears repeating. Too often programs shape planning instead of policy determining planning and programs.

The dependence on the private automobile to move people and goods is at least partly the result of spending on highways and land use decisions encouraging sprawl and preserving agricultural lands from urban development.

We have resolutions, one of which I signed today, trying to attempt to keep Waiahole-Waikane area as an agricultural area. This is not deemed necessary. It is deemed necessary by those forces in the State that do not want to take into consideration that, as this highway goes through, it would merely be the breakthrough point for what is being termed the 'second city' by some of the developers in this State. The 'second city' means exactly that. They're going to start at one end of the Windward side and move to the other end. The people who are over there are going to be destroyed. I mean that quite literally; that is to say, the way they live. I am not talking about eutherianism life style. I am talking about the capacity to have some sense of where you live mean something to you; mean something to you in a visceral way; mean something to you when you come home at night, when you go out in the morning; not just a place where you're at when you get there, but a place you can generally call your home.

It's not necessary. It's necessary only for those who want to take a short term profit. It's necessary only for those who are job junkies; the kind of people who take job heats just like any kind of heroin addict; that doesn't care where they get their next thing so long as the occasion comes in the process. They're going to find that, by taking that attitude, they will destroy the very thing that gives us all meaning here in the islands. It is not necessary, and this kind of resolution all

will end up being in the eyes of the people.

I hope, in conclusion, Mr. Speaker, that those folks on the Windward side, who have been suckered into this TH-3 deal, will begin to realize that the very reason that they moved there, the reason that they live there, and this includes the whole spectrum, I'm not just talking about people on the Koolaus, I'm talking about people who now face the prospect of increased taxation, who will be squeezed out, who will find themselves and the pleasant life that they sought by moving there and living there in the Windward side, no longer able to enjoy it.

Mr. Speaker, this resolution should not pass because it is only encouragement to those forces who support the TH-3 and the ruin that it will bring to this State."

Representative Cayetano then stated:

"Mr. Speaker, I rise to speak in favor of these resolutions (H.C.R. No. 143 and H.R. No. 747).

Mr. Speaker, I had not intended to speak on this, but it would seem from remarks from the three previous speakers that either they had not read the resolutions or misinterpreted its intent. All these resolutions say is that: (1) the decision to build TH-3 has been made by the Legislative body of this State; it has been sanctioned by the governor and sanctioned by the court; (2) it recognizes that TH-3 may create uncontrollable urban sprawl on the Windward side, and, recognizing that fact; (3) it asks for recommendations from the appropriate State and County departments for ways in which to preserve the agriculture lands and life style on the Windward side. I would suggest that these three gentlemen read the resolutions a little more carefully and then make their remarks accordingly."

Representative Takamura then rose and stated:

"Mr. Speaker, I'd also like to rise to speak in favor of these two resolutions dealing with the impact of TH-3 on the Windward side.

I would like to agree with the previous speaker that the intent of these resolutions, I believe, is not as other speakers have alluded to, that it was meant to, you know,

assist or in any way encourage any kind of urban sprawl or growth. I think it is an attempt to try to take into consideration some of the impact that the development of this TH-3 may possibly have.

As a person opposed to TH-3, and also fear for the same things which I think some of the other people also share the same feelings; but, I read these resolutions and come up with the same interpretation that I believe the introducer of these resolutions had in mind--to try to devise some means of protection on the Windward side."

Representative Larsen then stated:

"I appreciate being reminded that I should read the Committee Report, but I would suggest that the two previous speakers read the Eckbo Study on the social impact of TH-3 on the other side of the island."

Representative Abercrombie then stated:

"Mr. Speaker, I want to indicate to those members who feel that the intent of the resolution is not being adequately addressed--I understand what the intent is, Mr. Speaker. I thought I had indicated that I feel that the people who will receive this; that is to say, for example, the Director of the Department of Transportation, and simply take it, not in the spirit in which it was offered by the Chairman of the Committee on Energy and Transportation, but rather, as merely another opportunity to proceed with nefarious plans that are already in the hopper. Thank you."

At 1:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:20 o'clock p.m.

Representative Cobb then stated:

"Mr. Speaker, appreciating the remarks of the Chairman of the Committee on Energy and Transportation and my previous remarks on the resolutions in question, I am particularly concerned with page 2, paragraph 1, of the resolution itself, not just the Committee Report, where in the bottom three lines 'based

on its findings could assist in preserving agricultural lands and traditional life style as well as to prevent uncontrolled urban sprawl'.

Perhaps, Mr. Speaker, one of the considerations that the various planning departments might get involved in is a new land classification of high use agriculture or high density agriculture to cover the problem which seem to be acknowledged already in the content of the resolution.

But, I really feel the adoption of this particular resolution, while it acknowledges the concerns, it does not do that much to help the sense of hopelessness that exists on the part of many residents that are going to be affected."

The motion was put by the Chair and carried, and the report of the joint Committees was adopted and H.C.R. No. 143, as amended, was adopted, with Representatives Abercrombie, Carroll, Cobb, Evans, Larsen and Sutton voting no.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Agriculture, presented a report (Stand. Com. Rep. No. 857) recommending that H.R. No. 747 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the joint Committees was adopted and H.R. No. 747, as amended, was adopted, with Representatives Abercrombie, Carroll, Cobb, Evans, Larsen and Sutton voting no.

Representative Kawakami, for the joint Committees on Water, Land Use, Development, and Hawaiian Homes, and Agriculture, presented a report (Stand. Com. Rep. No. 858) recommending that H.R. No. 680 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the joint Committees was adopted and H.R. No. 680, as amended, was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 859) recommending that H.R. No. 417 be adopted with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizkai and carried, the report of the Committee was adopted and H.R. No. 417, as amended, was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 860) recommending that H.R. No. 682 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 682 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 861) recommending that H.R. No. 704 be adopted.

On motion by representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 704 was adopted.

Representative Takamura, for the joint Committees on Youth and Elderly Affairs and Judiciary, presented a report (Stand. Com. Rep. No. 862) recommending that H.R. No. 179 be adopted with certain amendments.

On motion by Representative Takamura, seconded by Representative Roehrig and carried, the report of the joint Committees was adopted and H.R. No. 179, as amended, was adopted.

Representative Ho, for the joint Committees on Culture and the Arts and Judiciary, presented a report (Stand. Com. Rep. No. 863) recommending that S.C.R. No. 99 be adopted.

On motion by Representative Ho, seconded by Representative Roehrig and carried, the report of the joint Committees was adopted and S.C.R. No. 99 was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 864) recommending that H.C.R. No. 137 be adopted with certain amendments.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted

and H.C.R. No. 137, as amended, was adopted.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 865) recommending that S.C.R. No. 93, SD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.C.R. No. 93, SD 1, was adopted.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 866) recommending that H.R. No. 617 be adopted.

On motion by Representative Yuen, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 617 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 867) recommending that H.R. No. 679 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 679 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 868) recommending that H.R. No. 721 be referred to the Committee on Higher Education with certain amendments.

Representative Uechi moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 721, as amended, be referred to the Committee on Higher Education, that H.R. No. 721, as amended, be adopted, seconded by Representative Inaba.

Representative Sakima then waived referral of H.R. No. 721, as amended, to the Committee on Higher Education.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H.R. No. 721, as amended, was adopted.

Representative Cayetano, for

the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 869) recommending that H.R. No. 416, HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 416, HD 1, was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 870) recommending that H.R. No. 731 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 731 was adopted.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 871) recommending that H.R. No. 329 be adopted.

Representative Cayetano moved that the report of the majority of the Committee be adopted and that H.R. No. 329 be adopted, seconded by Representative Kiyabu.

Representative Sutton then rose and stated:

"Mr. Speaker, I would like to point out that on this particular resolution, H.R. No. 329, concerning feasibility of establishing a State level department of motor vehicles, that would require a constitutional amendment and would require another department. Sir, I feel we have a concept here of homerule and it is appropriate that we go down a level in the bureaucratic structure, not up, sir. Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 329 was adopted, with Representatives Amaral, Carroll, Evans, Larsen and Sutton voting no.

Representative Stanley, for the joint Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 872) recommending that H.R. No. 364 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 364, as amended, was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 873) recommending that H.R. No. 367 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.R. No. 367, as amended, was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 874) recommending that H.R. No. 134 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.R. No. 134, as amended, was adopted.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 875) recommending that H.R. No. 572 be adopted.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 572 was adopted.

Representative Lee, for the joint Committees of Labor and Public Employment and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 876) recommending that H.R. No. 235 be adopted.

On motion by Representative Lee, seconded by Representative Stanley and carried, the report of the joint Committees was adopted and H.R. No. 235 was adopted, with Representative Cayetano voting no.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 877) recommending that S.C.R. No. 78 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted.

and S.C.R. No. 78 was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 878,) recommending that H.R. No. 196 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 196 was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 879) recommending that H.R. No. 139 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 139, as amended, was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 880) recommending that H.R. No. 8 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 8 was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 881) recommending that H.R. No. 290 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 290 was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 882) recommending that H.R. No. 681 be adopted with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 681, as amended, was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report

(Stand. Com. Rep. No. 883) recommending that H.R. No. 752 be adopted with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 752, as amended, was adopted, with Representative Sutton voting no.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 884) recommending that H.R. No. 753 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 753 was adopted.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 885) recommending that H.R. No. 729 be adopted with certain amendments.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 729, as amended, was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 886) recommending that H.C.R. No. 139 be adopted with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.C.R. No. 139, as amended, was adopted, with Representatives Abercrombie and Carroll voting no.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 887) recommending that H.R. No. 734 be adopted with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 734, as amended, was adopted, with Representatives Abercrombie and Carroll voting no.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 888) recommending that H.R. No. 705 be adopted.

On motion by Representative Blair, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 705 was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 789 to 794) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 789) congratulating Darrell B. Okano for winning the 1975 State Star Farmer Award and other outstanding accomplishments was jointly offered by Representatives Inaba, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Inaba, seconded by Representative Takamine and carried, H.R. No. 789 was adopted.

A resolution (H.R. No. 790) commending students participating in the Kamehameha Schools' Legislative Apprentice Program, 1975, was jointly offered by Representatives Evans, Poepoe, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Fong, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Peters, Roehrig, Sakima, Santos, Segawa, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Evans, seconded by Representative Poepoe and carried, H.R. No. 790 was adopted.

A resolution (H.R. No. 791) commending Miss Margaret Ayrault and extending Aloha and Best Wishes to her upon her retirement

from the faculty of the Graduate School of Library Studies, University of Hawaii at Manoa was jointly offered by Representatives Morioka, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Mizuguchi, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Morioka, seconded by Representative Hakoda and carried, H.R. No. 791 was adopted.

A resolution (H.R. No. 792) congratulating the Hawaii AJA Baseball Team upon winning the State AJA Baseball League Championship for the second consecutive year was jointly offered by Representatives Segawa, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Garcia, Hakoda, Ho, Inaba, Kiyabu, Kunimura, Lee, Machida, Mizuguchi, Morioka, Naito, Peters, Roehrig, Shito, Soares, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada and Yuen.

On motion by Representative Segawa, seconded by Representative Roehrig and carried, H.R. No. 792 was adopted.

A resolution (H.R. No. 793) congratulating the Pearl City High School Chargers on winning the Oahu Interscholastic Association Leeward District track and field title was jointly offered by Representatives Cayetano, Ajifu, Blair, Carroll, Cobb, Evans, Garcia, Kawakami, Kimura, Kiyabu, Larsen, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Santos, Shito, Takamine, Takamura and Yap.

On motion by Representative Cayetano, seconded by Representative Shito and carried, H.R. No. 793 was adopted.

A resolution (H.R. No. 794) congratulating Mariano Shigeo Higa, Leeward athlete and community leader, on his sixtieth birthday was jointly offered by Representatives Mizuguchi, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano,

Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Cayetano, seconded by Representative Shito and carried, H.R. No. 794 was adopted.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 374, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 374, and H.B. No. 374, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the "Senate amended to the amount - when the House sent the bill, there was an agreement with the State as to the amount so thereby the amount of \$2.57 appears rather than the Budget and Finance and the respective counties will appropriate \$2.57 as the State's or the County's share to that of the health fund in the area of up to the age of 19, Mr. Speaker."

At 1:35 o'clock p.m., upon the request of Representative Soares, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:15 o'clock p.m., Representative Suwa withdrew his motion and the second was also withdrawn.

Representative Suwa then explained that "in light of withdrawing my motion is the fact that I overlooked that there's an appropriation of \$400 attached to that bill. In other words, we cannot pass this bill ahead of the budget; therefore, the reason for withdrawing the motion."

By unanimous consent, H.B. No. 611, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 611, HD 1, and H.B. No. 611, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Kawakami then explained that "the Senate has made some technical amendments - made some corrections on some typos."

The motion was put by the Chair and carried, and H.B. No. 611, HD 1, SD 1, passed Final Reading by a vote of 47 ayes, with Representatives Kunimura, Lee, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 549, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 549, and H.B. No. 549, SD 1, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Kawakami then explained that the "Senate has made some spelling corrections."

The motion was put by the Chair and carried, and H.B. No. 549, SD 1, passed Final Reading by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Kunimura, Lee, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 353, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 353, HD 1, and H.B. No. 353, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Kawakami then explained that "the Senate has amended this bill by including an individual spouse. The spouse also qualifies to participate in the lottery of disposition of lots in agricultural parks."

The motion was put by the Chair and carried, and H.B. No. 353, HD 1, SD 1, passed Final Reading by a vote of 47 ayes, with Representatives Kunimura, Lee, Mizuguchi

and Uechi being excused.

By unanimous consent, H.B. No. 376, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 376, HD 1, and H.B. No. 376, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that "the changes made as to the travel expense of State officials for inter-island is that of \$30 and the other, travel abroad, is that of \$40. The Senate changed that they may go up to \$45 per day upon application and approval by the governor."

The motion was put by the Chair and carried, and H.B. No. 376, HD 1, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 857, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 857, HD 2, and H.B. No. 857, HD 2, SD 2, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that "in essence, this bill, Mr. Speaker, raises the fuel tax to three and one-half cents."

Representative Sutton then rose and stated:

"Mr. Speaker, I want to have a 'no' recorded on this because I think it penalizes people who live on the outside areas of the various islands and makes them pay a great deal more for their transportation, and I feel we might also get surpluses in this fund and then we would not be able to control these surpluses because they're in a special fund."

Representative Abercrombie then rose and stated:

"I hope the members will record a no vote on this fuel tax law, H.B. No. 857, HD 2, SD 2.

Mr. Speaker, it is appalling to me that the only revenue measure that is going to pass this House this term is going to be one which taxes our people. This instance, it's three and one-half cents. The poor people, of course, the ones with the least amount of money, will be the ones hurt the most.

The Committee Report itself indicates that there are increasing cost of highway programs and operations, and yet we are rushing head long into a new one. We are actually encouraging the things that we are supposed to be trying to stop.

We have federal taxes coming up on gasoline - God only knows how much those taxes are going to be. It will come in addition to these. Everybody in the State ought to be aware of it, and at the same time, Mr. Speaker, there's extensive discussions going on as to whether part of those federal taxes that are going to be charged will be rebated back to the States and the manner in which they will be rebated and the circumstances for which those taxes might be rebated. That is to say, what might go into highway programs; what might go into buses; what might go into other forms of transportation; is currently in question. I don't think we should pass this tax with that kind of federal situation in front of us.

I think, Mr. Speaker, that the Committee can make an argument, of course, but this is a horse of a different color. This relates to a special fund. In this instance, the highway special fund. But if this is the case, Mr. Speaker, and there is indebtedness, what we should be doing, instead of trying to cover the profligate attitude of the Department of Transportation, and the way it treats highways, what we should be doing is pulling in our belts; what we should be doing is working for ways to ease the burden so that this deficit can be met up.

Mr. Speaker, this State, in terms of its overall budget in past years, has had everyone, from school children to old people, to consumers in general, to business, having to suffer from what is called an austerity budget. Everyone in the

State had to pull in on that and yet when we come to this highway situation, we are in obeisance before the automobile. Instead of it serving us, we serve it.

This is one of the things that's going wrong with our State right now. We are serving technology and it's not serving us. If there is a deficit, I think we'll have to bite the bullet by having to live within its means. And that's what we should be doing in the highway fund.

And one of the best ways that we can make sure that the people of this State understand the gravity of what's occurring in fossil fuel consumption is that we don't kid ourselves about the capacity to go on forever, and that we recognize and force ourselves to recognize and have the courage, as legislators, to recognize that we need to do this now, and that the people come to recognize it as a result of this courageous move so that we have to deal within our means. Then, perhaps, we can build the kind of psychological atmosphere to let us move forward in the way we should.

Thank you."

Representative Larsen then rose and stated:

"Mr. Speaker, I would like a ruling on a possible conflict."

The Chair stated:

"State your position."

Representative Larsen replied:

"I drive a Volkswagen."

The Chair responded:

"No conflict."

Representative Sutton then rose and stated:

"Mr. Speaker, I have already spoken on this issue. I will be very brief. I would like to make an addendum. I would like to note that in hearings conducted by Chairman Suwa that we noticed that a very fine source of revenue for us subsequently rather than taxing a poor man that lives in a very remote area by having his fuel tax raised, his federal tax raised, the price of gas being

raised, that we might look with considerable preciseness into how we can get revenues from various airports."

Representative Cobb then stated:

"Just briefly, Mr. Speaker, I would like to speak in opposition to this measure and reflect my disappointment that we had nothing come out in the way of weight tax or other kind of progressive measures that could have also gone to raise revenues. For that, among other reasons previously stated, I wish to cast a 'no' vote on this measure."

Representative Kimura then rose and stated:

"I rise to speak in favor of this bill.

Mr. Speaker, with reference to some of the points raised, I believe, in the previous debate for this bill when it came up for final House passage, that the need for this particular tax is a present one - it's an ever increasing deficit, and that if this matter or problem is not taken care of with this revenue measure, that the mounting deficit will, in effect, cost the State a lot more in years to come. Accordingly, Mr. Speaker, this is an urgent measure and it should be taken care of in this session."

The motion was put by the Chair and carried, and H.B. No. 857, HD 2, SD 2, passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Abercrombie, Carroll, Cobb, Ikeda, Soares and Sutton voting no, and Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 1842, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Sakima moved that the House agree to the amendments proposed by the Senate to H.B. No. 1842, HD 1, and H.B. No. 1842, HD 1, SD 2, having been read throughout, pass Final Reading, seconded by Representative Takamura.

Representative Sakima then explained that "this is the aquarium admission fee bill. Our bill just said that senior citizens need identification cards, but the Senate amended the bill to read that they needed to go

to the aquarium with a tour group."

Representative Sutton then stated:

"I would like to note that this penalizes the individual senior citizen who does not come with a tour group."

Representative Abercrombie then stated:

"It is appalling to me that we are going to discriminate, once again, against the senior citizens in the State. The airlines do it. And, we are going to expand the aquarium. We want to make it something we can be proud of and the first thing we do is tell senior citizens that they gotta group up and come in on excursions from the mainland in order to take advantage to come to the aquarium. It is appalling to me, and I hope that votes are recorded as 'no'."

Representative Takamura then rose and stated:

"Mr. Speaker, let me just clarify some things. We have made, I think, a significant step forward for the senior citizens; that before, senior citizens weren't allowed to get in on this free basis, regardless under any conditions. So, what we have created here is an opportunity for them to do so. I believe we see this as a kind of trial period and if we see that there are no abuses being done, such as having large influx of visitors taking advantage of this to the detriment of the aquarium, or to the other senior citizens in the State, then we might conceivably, later on, liberalize this further than it is now. But, I think we are making a step forward for senior citizens in the State through this bill."

Representative Carroll then stated:

"We move in strange and wondrous ways here. I agree completely with Representative Abercrombie and I would like to record a 'no' vote and urge others to vote no."

Representative Larsen then asked:

"Would Representative Takamura yield to a question?"

Representative Takamura replied in the affirmative.

Representative Larsen then stated:

"Mr. Speaker, my understanding in caucus when we talked over this change was for all senior citizens to be able to go in free, to a point, and for the interim, they will be obliged to join a tour group. It is my understanding, also, that there is a study right now being made to develop a card for all senior citizens that will indicate that they are senior citizens of Hawaii. Once this card is produced, it is then my understanding it will be used as a way of identifying them to go into the aquarium. And, it is my understanding that the card will be forthwith within this year and I ask for an answer on that, Mr. Takamura."

Representative Takamura replied:

"Yes, there is a clarification on that, if I may, Mr. Speaker.

We have some legal and procedural questions on that, so we're going to have that studied and cleared up and we hope to get the enabling legislation for that card passed next session. So, this is what I am referring to--that once we are sure that we'll have such a card, that it will be something we can rely on. At that time, it will be more appropriate for us to consider liberalizing the entrance of this particular program for senior citizens."

Representative Larsen stated:

"I am only partially satisfied, but I know that we can't amend the bill at this point, and, rather than have nothing, I will go along with a positive vote on this measure. Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1842, HD 1, SD 1, passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Abercrombie, Carroll and Sutton voting no, and Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 35, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Stanley moved that the House agree to the amendments proposed by the Senate to H.B. No. 35, HD 2, and H.B. No. 35, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Stanley then explained

that the "amendments are confined to three areas. First, the Senate developed a formula based on family size for the liquid assets that would qualify people for public assistance. Another addition was that they required that the Department give only one deposit for recipient family for shelter allowance; and third, they reduced the shelter allowance in the amount of \$10 for five in a shelter maximum--\$15 for one and the highest maximum the same. These amendments were considered by the Committee and we feel that they will not jeopardize the intent of the bill."

The motion was put by the Chair and carried, and H.B. No. 35, HD 2, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 141, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 141, HD 1, and H.B. No. 141, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that the "Senate made two amendments. The first one gave the owner or his assignee a third party action against a licensed contractor whom the owner has already paid for improvements. The second amendment could allow the Contractor's Licensing Board to be joined as a party at the lien enforcement proceeding or to intervene as a party."

The motion was put by the Chair and carried, and H.B. No. 141, HD 1, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 1572, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 1572, HD 1, and H.B. No. 1572, HD 1, SD 1, having been read

throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate amended the bill by requiring contractors to operate from a definite place of business."

The motion was put by the Chair and carried, and H.B. No. 1572, HD 1, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 1756, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 1756, HD 1, and H.B. No. 1756, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate amended the bill to require that only the successor landlord has to comply with the notice provision having to do with the security deposits."

The motion was put by the Chair and carried, and H.B. No. 1756, HD 1, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 1873, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 1873, HD 1, and H.B. No. 1873, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "this bill is referred to both Consumer Protection and Commerce and Finance Committees. I have talked with the Chairman of the Finance Committee and he has agreed to agree with the Senate amendment to correct a typographical error on page 40."

The motion was put by the Chair and carried, and H.B. No. 1873, HD 1, SD 1, passed Final Reading

by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 1876, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 1876, HD 1, and H.B. No. 1876, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate just made some typographical and procedural corrections."

The motion was put by the Chair and carried, and H.B. No. 1876, HD 1, SD 1, passed Final Reading by a vote of 48 ayes, with Representatives Kunimura, Mizuguchi and Uechi being excused.

By unanimous consent, H.B. No. 619, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Segawa moved that the House agree to the amendments proposed by the Senate to H.B. No. 619, HD 1, and H.B. No. 619, HD 1, SD 2, having been read throughout, pass Final Reading, seconded by Representative Naito.

Representative Segawa then explained that "this amendment made by the Senate gives the discretion to notify a minor's parents for treatment of VD to the doctor; whereas, the House Bill left no discretion to the doctor, but had to have the minor's consent. The other amendment that they made was the counsel with the doctor and minor--that the counsel for VD be continued."

Representative Sutton then stated:

"Mr. Speaker, I feel that these amendments do improve, but I still disagree with their agreement on the basis of the fact that I still feel it circumvents parental authority."

The motion was put by the Chair and carried, and H.B. No. 619, HD 1, SD 2, passed Final Reading by a vote of 41 ayes to 5 noes, with Representatives Amaral,

Medeiros, Poepoe, Soares and Sutton voting no, and Representatives Cayetano, Kunimura, Mizuguchi, Uechi and Yuen being excused.

By unanimous consent, H.B. No. 990, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Segawa moved that the House agree to the amendments proposed by the Senate to H.B. No. 990, HD 1, and H.B. No. 990, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Naito.

Representative Segawa then explained that "the amendment made by the Senate sets this program of substance abuse in the Department of Health; whereas, the House version had set up a Division of Substance Abuse with the Department of Health and also, at present, the Commission on the Substance Abuse Agency be retained and used as the Substance Abuse Council."

The motion was put by the Chair and carried, and H.B. No. 990, HD 1, SD 1, passed Final Reading by a vote of 47 ayes, with Representatives Cayetano, Kunimura, Mizuguchi and Uechi being excused.

The Chair directed the Clerk to note that H.B. No. 360 passed Final Reading at 1:05 o'clock p.m.; H.B. No. 611 at 2:17 o'clock p.m.; H.B. No. 549 at 2:19 o'clock p.m.; H.B. No. 353 at 2:21 o'clock p.m.; H.B. No. 376 at 2:23 o'clock p.m.; H.B. No. 857 at 2:26 o'clock p.m.; H.B. No. 1842 at 2:28 o'clock p.m.; H.B. No. 35 at 2:30 o'clock p.m.; H.B. No. 141 at 2:31 o'clock p.m.; H.B. No. 1572 at 2:32 o'clock p.m.; H.B. No. 1756 at 2:34 o'clock p.m.; H.B. No. 1873 at 2:36 o'clock p.m.; H.B. No. 1876 at 2:38 o'clock p.m.; H.B. No. 619 at 2:40 o'clock p.m. and H.B. No. 990 at 2:42 o'clock p.m.

At 2:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:48 o'clock p.m.

At this time, Representative Evans introduced Brownie Troop 309 from Maunawili School. They were accompanied by their leader, Mrs. Yagi, and assistant leader, Mrs. Linda Allen. A special brownie was Kathleen, Representative Evans' daughter.

The Chair then made the following announcement:

"The Chair, at this time, requests that all conferences continue until the matters before the conferees are resolved inasmuch as the 59th day is tomorrow. Conference drafts and committee reports must be on deck tomorrow in order for passage on the 60th day, and let us not wait until 11 o'clock."

At 2:50 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 10:00 o'clock p.m., tonight.

NIGHT SESSION

The House of Representatives reconvened at 10:00 o'clock p.m.

CONFERENCE COMMITTEE REPORTS

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1215, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 2) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2 on S.B. No. 1215, SD 1, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1215, SD 1, HD 1, CD 1 were made available to the members of the House at 4:30 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 92, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 3 on S.B. No. 92, SD 2, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed

copies of S.B. No. 92, SD 2, HD 1, CD 1 were made available to the members of the House at 4:30 o'clock p.m.

Representative Yap, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 336, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 4) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on H.B. No. 336, HD 1, SD 2, CD 1 was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 336, HD 1, SD 2, CD 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 363, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 5) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 5 on H.B. No. 363, HD 1, SD 2, CD 1 was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 363, HD 1, SD 2, CD 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Yap, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 851, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 6) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 6 on H.B. No. 851, HD 1, SD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 851, HD 1, SD 1, CD 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Uechi, for the

Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1874, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 7) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 7 on H.B. No. 1874, HD 1, SD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1874, HD 1, SD 1, CD 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1046, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 8 on S.B. No. 1046, SD 1, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1046, SD 1, HD 1, CD 1 were made available to the members of the House at 6:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 959, HD 1, presented a report (Conf. Com. Rep. No. 9) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 9 on S.B. No. 959, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 959, HD 1, CD 1 were made available to the

members of the House at 6:10 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1050, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 10) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 10 on S.B. No. 1050, SD 1, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1050, SD 1, HD 1, CD 1 were made available to the members of the House at 6:10 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1628, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 11) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 11 on S.B. No. 1628, SD 1, HD 1, CD 1, was deferred until tomorrow, April 10, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1628, SD 1, HD 1, CD 1, were made available to the members of the House at 6:10 o'clock p.m.

At 10:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:05 o'clock p.m.

ADJOURNMENT

At 10:06 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Thursday, April 10, 1975.

FIFTY-NINTH DAY

Thursday, April 10, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend Herbert Conley of Saint Andrew's Cathedral, after which the Roll was called showing all members present with the exception of Representatives Blair, Carroll, Fong, Garcia, Hakoda, Ikeda, Kamalii, Kawakami, Kihano, Lee, Mizuguchi, Morioka, Peters, Roehrig, Santos, Suwa, Takamine and Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Eighth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 351 to 378) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 351) informing the House that the President has discharged the Managers on the part of the Senate to House Bill No. 1240, HD 1, SD 1, on April 9, 1975, and has appointed Senators R. Wong, Chairman; Toyofuku and Henderson as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 352) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 55, HD 1, and a request for a conference on the subject matter of said amendments, Senators Young, Chairman; Toyofuku, Nishimura and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate

(Sen. Com. No. 353) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 278, HD 1, and the request for a conference on the subject matter of said amendments, Senators Young, Chairman; Toyofuku, Nishimura and Henderson, had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 354) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 512, SD 1 and that Senate Bill No. 512, SD 1, HD 1, passed Final Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 355) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1624, and that Senate Bill No. 1624, HD 1, passed Final Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 356) transmitting Senate Concurrent Resolution No. 142 requesting the 94th Congress to pass S. 626 and H.R. 2966, the "Child and Family Services Act", which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 357) transmitting Senate Concurrent Resolution No. 80 reaffirming the findings and declaration of necessity of Act 307, S.L.H. 1967, The Land Reform Act of 1967, which was adopted by the Senate on April 9, 1975, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 142 and 80 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 358) returning House Concurrent Resolution No. 121, HD 1, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 359) returning House Concurrent Resolution No.

118, HD 1, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 360) transmitting Senate Concurrent Resolution No. 20 requesting the President of the Senate and the Speaker of the House of Representatives to appoint an Economic Advisory Committee to the Hawaii State Legislature, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 361) transmitting Senate Concurrent Resolution No. 23 concerning an amendment to the Federal Commodity Distribution Program to permit states to receive cash in lieu of commodities, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 362) transmitting Senate Concurrent Resolution No. 26, SD 1, requesting the Department of Land and Natural Resources, the College of Tropical Agriculture of the University of Hawaii, and the Hawaii Department of Agriculture to assist and facilitate the production of feed and forage crops in Hawaii, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 363) transmitting Senate Concurrent Resolution No. 56 requesting the Hawaii State Congressional Delegation to support the passage of a sugar act, which was adopted by the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 364) transmitting Senate Concurrent Resolution No. 92 requesting the Department of Land and Natural Resources to identify public lands which lack public access and to provide recommendations for access routes to these areas, which was adopted by the Senate on April 9, 1975, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 20, 23, 26, SD 1, 56 and 92 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 365) returning House Bill No. 132 which passed

Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 366) returning House Bill No. 133, HD 1, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 367) returning House Bill No. 134 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 368) returning House Bill No. 142, HD 2, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 369) returning House Bill No. 158, HD 1, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 370) returning House Bill No. 643, HD 1, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 371) returning House Bill No. 1130 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 372) returning House Bill No. 1136, HD 1, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 373) returning House Bill No. 1408 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 374) returning House Bill No. 1410 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 375) returning House Bill No. 1412 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 376) returning

House Bill No. 1528 which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 377) returning House Bill No. 1848, HD 1, which passed Third Reading in the Senate on April 9, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 378) transmitting Senate Concurrent Resolution No. 148 relating to labor studies and activities in higher education which was adopted by the Senate on April 9, 1975, was placed on file.

By unanimous consent, further action on S.C.R. No. 148 was deferred until later in the calendar.

The Chair directed the Clerk to note the presence of Representative Suwa.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 795 to 797) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 795) commending the Honolulu Symphony Society was jointly offered by Representatives Ho, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Hakoda, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Medeiros, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ho, seconded by Representative Suwa and carried, H.R. No. 795 was adopted.

At this time, Representative Ho introduced to the members of the House the following: Mr. E. Lawrence Gay, President of the Honolulu Symphony Society; Mr. Robert La Marchina, Artistic and Musical Director; and Mr. John Swainston, Assistant

Manager of the Honolulu Symphony Society.

A resolution (H.R. No. 796) recognizing and congratulating Father Evarist Gielen, upon his Fiftieth Anniversary as a catholic priest was jointly offered by Representatives Amaral, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Amaral, seconded by Representative Machida and carried, H.R. No. 796 was adopted.

Representative Amaral then introduced Father Evarist Gielen to the members of the House and stated:

"Mr. Speaker, if I may, Father Gielen, as mentioned in the resolution, is 77 years old and I know there are many golfers and bowlers in these chambers here, but I warn you, do not take him up on a game of golf for anything else but a free game of golf because he is a real good golfer and a good bowler."

Representative Amaral then introduced Mr. Joseph Borges, stating:

"Mr. Speaker, accompanying Father Gielen this morning is Mr. Joseph Borges, an All-Star football and track man at Saint Anthony's on Maui, a graduate of Notre Dame University, a member of the committee that is putting on the celebration for Father Evarist Gielen on Maui. He is also the fiscal officer for the Board of Water Supply on Maui."

A copy of House Resolution No. 796 was then presented to the honoree, Father Evarist Gielen.

A resolution (H.R. No. 797) congratulating Keo Nakama on his selection to the Swimming Hall of Fame was jointly offered by Representatives Ushijima, Machida, Lee, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters,

Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Machida and carried, H.R. No. 797 was adopted.

Representative Soares then rose and stated:

"Mr. Speaker, I would like to make a few comments on the honoree, if I may."

The Chair directed Representative Soares to proceed and Representative Soares continued:

"It has been both a pleasure and a privilege on the part of the Republican minority to serve in these honorable chambers with Representative Keo Nakama. I would want to make a comment based upon his achievement on the Molokai to Honolulu swim. I do think that the honoree should thank the Portuguese community for making it possible that there were no Portuguese man-of-wars between Molokai and Honolulu; otherwise, he would never have made it."

Representative Ushijima then introduced the honoree, stating:

"The honoree is present with us this morning and I know he needs no introduction for he is well acquainted with a good number of us in this honorable body. Nonetheless, I would like to take this moment to introduce the former Representative, a great, great man; certainly a tribute to the State of Hawaii, Keo Nakama."

Representative Stanley presented Keo Nakama with a white carnation lei and the honoree received a standing ovation from the members of the House.

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

Representative Uechi introduced 25 tenth graders from Moanalua High School and their teacher, Mr. Eric Hu.

Representative Cayetano introduced 30 Damien High School students

and their teacher, Mr. Jim Kelly.

Representative Takamura introduced a group of fourth graders from Kuhio School and their teachers and parents who accompanied the students.

Representative Kimura introduced 80 seventh graders from Saint Andrew's Priory and their teachers, Mrs. Patricia Black, Miss Virginia Oakshott and Mrs. Cynthia Zapotocky.

Representative Kiyabu introduced 51 kindergarten and first grade students from Waikiki School and their teachers, Miss Kaya, Miss Lum, Mrs. Okumura and Mrs. Mitsunaga, and a parent, Mrs. Tyau.

Representative Yap introduced 53 seventh grade students from Sanford Ballard Dole Intermediate School and their teachers, Mrs. Nada and Mrs. Fukuda.

Representative Evans introduced 3 members of the Hawaii Nei Garden Club, as follows: Ms. Pat Ernce, President, Hawaii Nei Garden Club; Ms. Merle Nuesca, Second Vice President, Hawaii State Federation of Garden Clubs; and Ms. Delores Smith, a member of the Hawaii Nei Garden Club.

At 11:25 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:47 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Blair, Carroll, Fong, Garcia, Hakoda, Ikeda, Kamalii, Kawakami, Kihano, Lee, Mizuguchi, Morioka, Peters, Roehrig, Santos, Takamine and Yamada.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
20	Committee on Water, Land Use, Development, and Hawaiian Homes
23	Committee on Education
26	Committee on Agriculture
56	Committee on Agriculture

- 80 Committee on Housing
- 92 Committee on Water, Land Use, Development, and Hawaiian Homes
- 142 Committee on Youth and Elderly Affairs
- 148 Committee on Higher Education, then to the Committee on Labor and Public Employment

STANDING COMMITTEE REPORTS

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 889) recommending that H.R. No. 760 be referred to the Committee on Finance.

Representative Ho moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 760 be referred to the Committee on Finance, that H.R. No. 760 be adopted, seconded by Representative Abercrombie.

Representative Suwa then waived the referral of H.R. No. 760 to the Committee on Finance, seconded by Representative Akizaki.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 760 be referred to the Committee on Finance, H.R. No. 760 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 890) recommending that H.R. No. 761 be referred to the Committee on Finance with certain amendments.

Representative Sakima moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 761, as amended, be referred to the Committee on Finance, that H.R. No. 761, as amended, be adopted, seconded by Representative Kunimura.

Representative Suwa then waived the referral of H.R. No. 761, as amended, to the Committee on Finance, seconded by Representative Akizaki.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 761, as amended, be referred to the Committee on Finance, H.R. No. 761, as amended, was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 891) recommending that H.R. No. 663 be referred to the Committee on Judiciary with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 663, as amended, was referred to the Committee on Judiciary.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 892) recommending that H.R. No. 126 be adopted with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 126, as amended, was adopted.

Representative Stanley, for the joint Committees on Health and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 893) recommending that H.R. No. 515 be adopted with certain amendments.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the Committees was adopted and H.R. No. 515, as amended, entitled: "House Resolution commending the Habilitat and requesting the State of Hawaii through its various departments and agencies to assist and support the Habilitat" was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 894) recommending that H.R. No. 741 be adopted with certain amendments.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 741, as amended, entitled: "House Resolution requesting the House Committee on Energy and Transportation to study the Legislative Auditor's report

on the recreational boating program in the Harbor's Division, Department of Transportation" was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 895) recommending that H.R. No. 756 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 756 was adopted.

Representative Yuen, for the joint Committees on Education and Higher Education, presented a report (Stand. Com. Rep. No. 896) recommending that S.C.R. No. 36 be adopted.

On motion by Representative Yuen, seconded by Representative Sakima and carried, the report of the Committees was adopted and S.C.R. No. 36 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 897) recommending that H.R. No. 440 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 440, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 898) recommending that H.R. No. 557 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 557, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 899) recommending that H.R. No. 82 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 82, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 900) recommending that H.R. No. 273 be adopted.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 273 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 901) recommending that H.R. No. 744 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 744, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 902) recommending that H.R. No. 716 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 716, as amended, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 903) recommending that H.R. No. 404 be adopted.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 404 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 904) recommending that H.R. No. 517 be adopted.

On motion by Representative Sakima, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 517 was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 905) recommending that H.R. No. 737 be adopted.

On motion by Representative Ho, seconded by Representative Abercrom-

bie and carried, the report of the Committee was adopted and H.R. No. 737 was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 906) recommending that S.C.R. No. 109 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and S.C.R. No. 109 was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 907) recommending that H.R. No. 727 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 727, as amended, was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 908) recommending that H.C.R. No. 134 be adopted with certain amendments.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 134, as amended, was adopted.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 909) recommending that H.R. No. 343 be adopted.

On motion by Representative Yuen, seconded by Representative Machida and carried, the report of the Committee was adopted and H.R. No. 343 was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 910) recommending that H.R. No. 673 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 673 was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 911) recommending that H.R. No. 151 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 151, as amended, was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 912) recommending that H.R. No. 150 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 150, as amended, was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 913) recommending that H.R. No. 148 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 148, as amended, entitled: "House Resolution requesting an interim investigation of the operations of State government by the House Committee on Labor and Public Employment" was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 914) recommending that H.R. No. 146 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 146, as amended, was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 915) recommending that H.R. No. 141 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 141, as amended, was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 916) recommending that H.R. No. 720 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 720 was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 917) recommending that H.R. No. 694 be adopted with certain amendments.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 694, as amended, was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 918) recommending that H.R. No. 414 be adopted with certain amendments.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 414, as amended, was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 919) recommending that H.R. No. 127 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 127 was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 920) recommending that S.C.R. No. 54 be adopted with certain amendments.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.C.R. No. 54, as amended, entitled: "Senate Concurrent Resolution requesting a study of prepaid legal services" was adopted.

Representative Roehrig, for

the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 921) recommending that H.R. No. 444 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 444 was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 922) recommending that H.R. No. 748 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 748 was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 923) recommending that H.R. No. 728 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 728 was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 924) recommending that S.C.R. No. 135 be referred to the Committee on Finance with certain amendments.

Representative Cayetano moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that S.C.R. No. 135, as amended, be referred to the Committee on Finance, that S.C.R. No. 135, as amended, be adopted.

Representative Suwa then waived the referral of S.C.R. No. 135, as amended, to the Committee on Finance, seconded by Representative Akizaki.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that S.C.R. No. 135, as amended, be referred to the Committee on Finance, S.C.R. No. 135, as amended, was adopted, with Representatives Carroll, Cobb, Evans, Kamalii, Soares and Sutton voting no.

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

The House of Representatives reconvened at 12:56 o'clock p.m.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 925) recommending that H.R. No. 740 be referred to the Committee on Finance.

Representative Uechi moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 740 be referred to the Committee on Finance, that H.R. No. 740 be adopted, seconded by Representative Inaba.

Representative Suwa then waived the referral of H.R. No. 740 to the Committee on Finance, seconded by Representative Akizaki.

At this time, Representative Abercrombie rose and stated:

"Mr. Speaker, I can only hope that the results of this resolution, next year, will sweeten the pot in terms of revenue in this State. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 740 be referred to the Committee on Finance, H.R. No. 740 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 926) recommending that H.R. No. 758 be referred to the Committee on Energy and Transportation with certain amendments.

Representative Uechi moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 758 be referred to the Committee on Energy and Transportation, that H.R. No. 758 be adopted, seconded by Representative Inaba.

Representative Cayetano then waived the referral of H.R. No. 758 to the Committee on Energy and Transportation, seconded by Representative Kiyabu.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 758 be referred to the Committee on Energy and Transportation, H.R. No. 758 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 927) recommending that H.R. No. 726 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 726 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 928) recommending that H.R. No. 523 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 523 was adopted.

Representative Uechi, for the joint Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 929) recommending that H.R. No. 344 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.R. No. 344 was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 930) recommending that H.R. No. 654 be adopted.

Representative Kawakami moved that the report of the Committee be adopted and H.R. No. 654 be adopted, seconded by Representative Ho.

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Resolution 654.

The purpose of this resolution is to direct your Committee on Health to conduct an interim study, including public hearings at Kalaupapa Settlement, on the feasibility of several alternatives

to closing the Kalaupapa Settlement and relocating its residents.

Many of the residents of Kalaupapa have written to me to express their feelings of fear, anxiety and insecurity, due to the uncertain status of the Settlement. They feel helpless and rejected, and plead for the rights of full citizenship participation in discussions that will affect the decisions for their future.

As a responsive Legislature, we owe these residents the opportunity to have a part in the planning for their future. We must not make blind decisions concerning a way of life we know very little about.

Kalaupapa Settlement and its residents have always been a very meaningful and important part of Hawaii's past. We cannot allow this sacred site to deteriorate or its residents to be forgotten. We must carefully determine the best alternative for the preservation of Kalaupapa, its significance and its dignity, not only for its people, but for our future generations.

In behalf of the residents of Kalaupapa, I urge the members of this honorable body to support House Resolution 654.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 654 was adopted.

Representative Uechi, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 931) recommending that H.R. No. 685 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.R. No. 685 was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 932) recommending that H.R. No. 649 be referred to the Committee on Higher Education.

Representative Uechi moved that the report of the Committee be adopted and, notwithstanding

the recommendation of the Committee that H.R. No. 649 be referred to the Committee on Higher Education, that H.R. No. 649 be adopted, seconded by Representative Inaba.

Representative Sakima then waived the referral of H.R. No. 649 to the Committee on Higher Education, seconded by Representative Takamura.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee that H.R. No. 649 be referred to the Committee on Higher Education, H.R. No. 649 was adopted.

Representative Uechi, for the joint Committees on Agriculture and Judiciary, presented a report (Stand. Com. Rep. No. 933) recommending that H.R. No. 669 be adopted.

Representative Uechi moved that the report of the Committees be adopted and H.R. No. 669 be adopted, seconded by Representative Inaba.

Representative Sutton then rose and stated:

"Mr. Speaker, the testimony in this particular case indicated that very close examination should be made, as a fact, as to whether or not anti-trust action should be proceeded. We have very high cost of living here in Hawaii. This is one of the reasons, and I do hope that this will receive full support of this body.

Thank you."

The motion was put by the Chair and carried, and the report of the Committees was adopted and H.R. No. 669 was adopted.

CONFERENCE COMMITTEE REPORT

Representative Kawakami, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 91, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 12) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 12 on H.B. No. 91, HD 2, SD 1, as amended, was deferred until tomorrow, April

11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 91, HD 2, SD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 798 to 801) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 798) recognizing and commending the truly outstanding varsity men of the Kamehameha Schools Gymnastics Team was jointly offered by Representatives Kawakami, Abercrombie, Akizaki, Blair, Cayetano, Garcia, Hakoda, Ho, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Lee, Lunasco, Machida, Morioka, Naito, Poepoe, Santos, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kawakami, seconded by Representative Kimura and carried, H.R. No. 798 was adopted.

A resolution (H.R. No. 799) congratulating the members of the Naval Ammunition Depot and Public Works Center at Lualualei for outstanding community service was jointly offered by Representatives Peters, Ho, Abercrombie, Ajifu, Carroll, Cobb, Evans, Hakoda, Kihano, Kondo, Kunimura, Larsen, Machida, Morioka, Naito, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 799 was adopted.

A resolution (H.R. No. 800) congratulating Masaru Oshiro on his appointment as Deputy Director of the Department of Social Services and Housing was jointly offered by Representatives Stanley, Lee, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima,

Santos, Segawa, Shito, Soares, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Stanley, seconded by Representative Lee and carried, H.R. No. 800 was adopted.

A resolution (H.R. No. 801) extending best wishes for a speedy recovery to former Representative Joseph R. Garcia, Jr. was jointly offered by Representatives Soares, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Soares, seconded by Representative Amaral and carried, H.R. No. 801 was adopted.

At 1:05 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 7:30 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 7:39 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 2 on S.B. No. 1215, SD 1, HD 1, CD 1 (Deferred from April 9, 1975):

Representative Cayetano moved that the report of the Committee be adopted and S.B. No. 1215, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kondo.

Representative Cayetano then rose and stated:

"I would just like to insert a few remarks about this bill.

I would like to inform this body that one item which is not contained in the Committee Report should be made clear to this body and that is that your Conference Committee for the Senate and the House reached an agreement with the City Council that the chairperson of the Oahu Metropolitan Planning Organization and Policy Committee would be a City Councilman for the first year. That, Mr. Speaker, is not stated in the Committee Report and I would like to state that for the record.

Basically, this bill is the House position. The State has a majority and I think I would like to give a lot of thanks to the conferees, Representatives Ajifu, Kondo and Takamura, for a job well done, especially Representative Kondo, who did a very fine job as the House heavy."

Representative Soares then rose and stated:

"Mr. Speaker, I would like to rise and speak in favor of this Conference draft 1 on Senate Bill 1215 and enter into the record the assumption on the part of the Republicans that the make-up of the House members will be based on the House Rules where we have our representation proportionate to the majority, and although it is not stated in the bill, I would like to have that in the record so that when you, Mr. Speaker, make the appointment, that the Republicans will be considered accordingly."

At 7:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:44 o'clock p.m., the motion to adopt the report of the Committee and to pass S.B. No. 1215, SD 1, HD 1, CD 1 on Final Reading was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1215, SD 1, HD 1, CD 1, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 3 on S.B. No. 92, SD 2, HD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 92, SD 2, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 41 ayes to 6 noes, with Representatives Ajifu, Amaral, Clarke, Hakoda, Larsen and Sutton voting no, and Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 4 on H.B. No. 336, HD 1, SD 2, CD 1 (Deferred from April 9, 1975):

On motion by Representative Yap, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 336, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 5 on H.B. No. 363, HD 1, SD 2, CD 1 (Deferred from April 9, 1975):

On motion by Representative Yamada, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 363, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 6 on H.B. No. 851, HD 1, SD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Yap, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 851, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 7 on H.B. No. 1874, HD 1, SD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Uechi,

seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 1874, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 8 on S.B. No. 1046, SD 1, HD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Peters, seconded by Representative Stanley and carried, the report of the Committee was adopted and S.B. No. 1046, SD 1, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 9 on S.B. No. 959, HD 1, CD 1 (Deferred from April 9, 1975):

Representative Yamada moved that the report of the Committee be adopted and that S.B. No. 959, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Sutton then rose and stated:

"Mr. Speaker, this is a very fine bill because this means that we will retain our corporation, large and small, here in Hawaii and keep them from raids. I urge everyone to vote aye.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 959, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 10 on S.B. No. 1050, SD 1, HD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Yamada, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1050, SD 1, HD 1, CD 1, having been read throughout,

passed Final Reading by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

Conf. Com. Rep. No. 11 on S.B. No. 1628, SD 1, HD 1, CD 1 (Deferred from April 9, 1975):

On motion by Representative Segawa, seconded by Representative Sakima and carried, the report of the Committee was adopted and S.B. No. 1628, SD 1, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda, Kunimura, Naito and Roehrig being excused.

The Chair directed the Clerk to note that S.B. Nos. 1215 and 92 had passed Final Reading at 7:45 o'clock p.m.; H.B. No. 336 at 7:46 o'clock p.m.; H.B. Nos. 363, 851, and 1874 at 7:47 o'clock p.m.; S.B. No. 1046 at 7:48 o'clock p.m.; S.B. No. 959 at 7:49 o'clock p.m.; and S.B. Nos. 1050 and 1628 at 7:50 o'clock p.m.

At 7:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:52 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 934) recommending that S.B. No. 1188 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 934 on S.B. No. 1188 was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1188 were made available to the members of the House at 1:30 o'clock p.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 935) recommending that H.C.R. No. 115, HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.C.R. No.

115, HD 1, was adopted with Representative Sutton voting no.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 936) recommending that H.C.R. No. 114 be adopted with certain amendments.

On motion by Representative Lee, seconded by Representative Yap and carried, the report of the Committee was adopted and H.C.R. No. 114, HD 1, was adopted with Representatives Ajifu, Amaral, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Poepoe and Soares voting no.

At 8:57 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:00 o'clock p.m.

CONFERENCE COMMITTEE REPORTS

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 282, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 13) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 13 on H.B. No. 282, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 282, HD 1, SD 1, CD 1, were made available to the members of the House at 1:30 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 430, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 14) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 14 on H.B. No. 430, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of

the State of Hawaii, printed copies of H.B. No. 430, HD 1, SD 1, CD 1, were made available to the members of the House at 1:30 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1742, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 15) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 15 on H.B. No. 1742, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1742, HD 1, SD 1, CD 1, were made available to the members of the House at 1:30 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 850, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 16) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 16 on H.B. No. 850, HD 1, SD 2, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 850, HD 1, SD 2, CD 1, were made available to the members of the House at 3:10 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1875, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 17) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 17 on H.B. No. 1875, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1875, HD 1, SD 2, CD 1, were made available to the members of the House at 3:10 o'clock p.m.

Representative Yap, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1852, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 18) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 18 on H.B. No. 1852, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1852, HD 1, SD 1, CD 1, were made available to the members of the House at 4:30 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 516, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 19) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 19 on S.B. No. 516, SD 1, HD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 516, SD 1, HD 1, CD 1, were made available to the members of the House at 4:30 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1281, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 20) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 20 on S.B. No. 1281, SD 2, HD 2, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1281, SD 2, HD 2, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the

Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1645, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 21) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 21 on S.B. No. 1645, SD 1, HD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1645, SD 1, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 372, SD 1, presented a report (Conf. Com. Rep. No. 22) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 22 on H.B. No. 372, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 372, SD 1, CD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the Senate in H.B. No. 1870, HD 1, SD 3, presented a report (Conf. Com. Rep. No. 23) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 23 on H.B. No. 1870, HD 1, SD 3, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1870, HD 1, SD 3, CD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 677, HD 1, SD 2,

presented a report (Conf. Com. Rep. No. 24) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 24 on H.B. No. 677, HD 1, SD 2, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 677, HD 1, SD 2, CD 1, were made available to the members of the House 6:30 o'clock p.m.

Representative Blair, for the Committee on Conference, on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 42, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 25) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 25 on S.B. No. 42, SD 2, HD 2, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 42, SD 2, HD 2, CD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 55, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 26) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 26 on H.B. No. 55, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 55, HD 1, SD 1, CD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1200, SD 2, HD 1, presented a report (Conf.

Com. Rep. No. 27) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 27 on S.B. No. 1200, SD 2, HD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1200, SD 2, HD 1, CD 1, were made available to the members of the House at 7:00 o'clock p.m.

At 9:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:20 o'clock p.m.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 802) honoring the memory of the Reverend Tenran Mori and extending condolences and deepest sympathy to the family of the Reverend Tenran Mori was jointly offered by Representatives Morioka, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Morioka, seconded by Representative Kiyabu and carried, H.R. No. 802 was adopted.

CONFERENCE COMMITTEE REPORTS

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 535, HD 1, presented a report (Conf. Com. Rep. No. 28) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 28 on S.B. No. 535, HD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of S.B. No. 535, HD 1, CD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Sakima, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1732, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 29) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 29 on S.B. No. 1732, SD 1, HD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1732, SD 1, HD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 637, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 30) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 30 on S.B. No. 637, SD 1, HD 2, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 637, SD 1, HD 2, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 612, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 31) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 31 on H.B. No. 612, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 612, HD 1,

SD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 327, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 32) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 32 on H.B. No. 327, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 327, HD 1, SD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 999, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 33) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 33 on H.B. No. 999, HD 1, SD 2, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 999, HD 1, SD 2, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the Senate in H.B. No. 126, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 34) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 34 on H.B. No. 126, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 126, HD 1, SD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate in H.B. No. 127, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 35) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 35 on H.B. No. 127, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 127, HD 1, SD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1779, HD 2, SD 1, presented a report

(Conf. Com. Rep. No. 36) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36 on H.B. No. 1779, HD 2, SD 1, CD 1, was deferred until tomorrow, April 11, 1975, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1779, HD 2, SD 1, CD 1, were made available to the members of the House at 9:40 o'clock p.m.

ADJOURNMENT

At 9:41 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Friday, April 11, 1975.

SIXTIETH DAY

Friday, April 11, 1975

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, was called to order at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Henry Sabog of Our Lady of the Mount Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Ninth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 379 to 494) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 379) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 360, HD 1, was adopted by the Senate; and House Bill No. 360, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 380) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 91, SD 3, and that Senate Bill No. 91, SD 3, as amended, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 381) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 607, SD 1, and that Senate Bill No. 607, SD 1, as amended, passed Final Reading in the Senate on

April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 382) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1212, SD 1, and that Senate Bill No. 1212, SD 1, as amended, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 383) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1214, SD 1, and that Senate Bill No. 1214, SD 1, as amended, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 384) transmitting Senate Concurrent Resolution No. 29 requesting Congress to grant authority to all U. S. Island States, territories and possessions to control in-migration, which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 385) transmitting Senate Concurrent Resolution No. 140, SD 1, requesting the establishment of a native rare tree sanctuary in the Puuwaawaa area, Island of Hawaii, which was adopted by the Senate on April 10, 1975, was placed on file.

By unanimous consent, action on S.C.R. Nos. 29 and 140, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 386) returning House Concurrent Resolution No. 43, HD 1, which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 387) returning House Concurrent Resolution No. 83, HD 1, which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 388) returning House Bill No. 103 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate

(Sen. Com. No. 389) returning House Bill No. 121 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 390) returning House Bill No. 499, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 391) returning House Bill No. 1764, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 392) returning House Bill No. 1783 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 393) returning House Concurrent Resolution No. 128 which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 394) transmitting Senate Concurrent Resolution No. 129 requesting the University of Hawaii Board of Regents to honor the late Senator Larry N. Kuriyama by naming an appropriate building in his memory, which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 395) transmitting Senate Concurrent Resolution No. 141, SD 1, relating to Ka-Loko, Hono-Ko-Hau National Cultural Park, which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 396) transmitting Senate Concurrent Resolution No. 146 concerning the proposed relocation of the Bureau of Conveyance, which was adopted by the Senate on April 10, 1975, was placed on file.

By unanimous consent, action on S.C.R. Nos. 129; 141, SD 1, and 146 was deferred until later in the calendar.

A communication from the Senate

(Sen. Com. No. 397) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 54 and that Senate Concurrent Resolution No. 54, as amended, was Finally adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 398) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 109 and that Senate Concurrent Resolution No. 109, as amended, was Finally adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 399) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 135 and that Senate Concurrent Resolution No. 135, as amended, was Finally adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 400) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 115, SD 2, and that Senate Bill No. 115, SD 2, as amended, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 401) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 92, SD 2, was adopted by the Senate; and Senate Bill No. 92, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 402) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1046, SD 1, was adopted by the Senate; and Senate Bill No. 1046, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 403) informing

the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1215, SD 1, was adopted by the Senate; and Senate Bill No. 1215, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 404) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1628, SD 1, was adopted by the Senate; and Senate Bill No. 1628, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 405) returning House Concurrent Resolution No. 49 which was adopted by the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 406) returning House Bill No. 370 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 407) returning House Bill No. 371 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 408) returning House Bill No. 377 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 409) returning House Bill No. 436 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 410) returning House Bill No. 439 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 411) returning House Bill No. 442 which passed Third Reading in the Senate on

April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 412) returning House Bill No. 452 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 413) returning House Bill No. 482 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 414) returning House Bill No. 605, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 415) returning House Bill No. 688, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 416) returning House Bill No. 814, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 417) returning House Bill No. 904 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 418) returning House Bill No. 946, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 419) returning House Bill No. 1037 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 420) returning House Bill No. 1184 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 421) returning House Bill No. 1209 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 422) returning House Bill No. 1248 which passed Third Reading in the Senate on April

10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 423) returning House Bill No. 1419 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 424) returning House Bill No. 1672, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 425) returning House Bill No. 1732, HD 2, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 426) returning House Bill No. 1784, HD 1, which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 427) returning House Bill No. 1864 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 428) returning House Bill No. 1884 which passed Third Reading in the Senate on April 10, 1975, was placed on file.

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

Representative Sakima introduced four classes of fourth grade students from Kalihi-waena School. They were accompanied by their teachers, Mrs. Ma, Mrs. Ishimoto, Mrs. Trask and Mrs. Nowaki.

Representative Kihano introduced four lovely ladies--Pearl Smith from California, Ann Lutz from Colorado, Mary Williams and Noenoe Kam from Honolulu.

Representative Kunimura introduced a group of students from Koloa School on Kauai. They are here participating in the State Science Fair at the Honolulu International Center and were accompanied by Mr. Towne.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 803 and 804) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 803) commending the winners of the 1975 "Ability Counts" Survey Contest and the PCEH/AMVETS Poster Contest was jointly offered by Representatives Sakima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Peters, Poepoe, Roehrig, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Sakima, seconded by Representative Kimura and carried, H.R. No. 803 was adopted.

Representative Sakima then introduced the following contest winners: Norman Kawakami (Farrington High School), 1st place; Mei Nakamoto (Farrington High School), 2nd place; Bruce Nakaoka (McKinley High School), 3rd place; Terence Arakaki (Farrington High School), 4th place; and Thompson Yokoyama (McKinley High School), 5th place. They were accompanied by their teachers, Mrs. Helen Uyehara of Farrington High School, and Mr. Leu, Vice-Principal of McKinley High School; and Mrs. Yokoyama, mother of Thompson Yokoyama.

A resolution (H.R. No. 804) congratulating the Kaiser High School Physical Fitness Team on its victory in the Marine Corps-Sponsored Physical Fitness Meet was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Naito,

Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ikeda, seconded by Representative Soares and carried, H.R. No. 804 was adopted.

Representative Ikeda then introduced Mr. Stephen Kim, coach, and the following members of the team: Evan Nakachi who scored 428 out of a possible 500 points and placed 1st; Paul Chong who scored 398 points and placed second; Barry Kobata who scored 390 points and placed fourth; Richard Kobata, Jeff Taylor, Garret Kaneshiro, Eric Kunitomo and Mike Sato.

Representative Soares then presented them with certified copies of the resolution.

At this time, Representative Sakima also presented certified copies of H.R. No. 803 to the honorees.

Representative Soares then rose and stated:

"Mr. Speaker, I just wanted to point out to this honorable body that one of the athletes here, Eric Kunitomo - parents are from Kona. Eric and his brother are both outstanding football players. His brother is an All Star from Kamehameha School and Eric is an outstanding football player from Kaiser, and they both came originally from Representative Inaba's district from Kona."

At 11:21 o'clock a.m., the Chair declared a recess for the purpose of meeting the honorees, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following concurrent resolutions were disposed of as follows:

S.C.R. Nos. Referred to:

29 Committee on Judiciary

129 Committee on Higher Education

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

141 Committee on Culture and the Arts, then to the Committee on Water, Land Use, Development, and Hawaiian Homes

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

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Soares and carried, the rules were suspended for the purpose of taking up bills on Third and Final Readings on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 12 on H.B. No. 91, HD 2, SD 1, CD 1 (Deferred from April 10, 1975):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 91, HD 2, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Lee and Uechi being excused.

The Chair directed the Clerk to note the H.B. No. 91 passed Final Reading at 12:54 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 937) recommending that H.R. No. 125 be adopted with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 125, as amended, was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 938) recommending that S.C.R. No. 62, SD 1, be adopted with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito

and carried, the report of the Committee was adopted and S.C.R. No. 62, SD 1, as amended, was adopted.

Representative Sakima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 939) recommending that H.R. No. 91 be adopted.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the majority of the Committee was adopted and H.R. No. 91 was adopted, with Representative Abercrombie voting no.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 940) recommending that H.R. No. 396 be adopted with certain amendments.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 396, as amended, was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 941) recommending that H.R. No. 238, HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 238, HD 1, was adopted.

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

The House of Representatives reconvened at 12:56 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 942) recommending that H.R. No. 599 be adopted with certain amendments.

On motion by Representative Yap, seconded by Representative Roehrig and carried, the report of the Committee was adopted and H.R. No. 599, as amended, was adopted, with Representatives Ajifu, Amaral, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii,

Poepoe, Soares and Sutton voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 943) recommending that H.R. No. 640, HD 1, be adopted with certain amendments.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 640, HD 1, as amended, was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 944) recommending that H.R. No. 280 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 280 was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 945) recommending that S.C.R. No. 8, SD 1, be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and S.C.R. No. 8, SD 1, was adopted, with Representatives Cayetano and Kunimura voting no.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 946) recommending that H.R. No. 432 be adopted with certain amendments.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 432, as amended, was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 947) which was directed by H.R. No. 111.

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

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 948) which was directed

by H.R. No. 109.

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

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 949) recommending that S.C.R. No. 20 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.C.R. No. 20 was adopted, with Representative Abercrombie voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 950) recommending that S.C.R. No. 92 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.C.R. No. 92 was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 805 to 812) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 805) congratulating the Polynesian Voyaging Society for its bicentennial polynesian canoe project and commending the Society for its effort to have a commemorative stamp issued was jointly offered by Representatives Wakatsuki, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Ho, seconded by Representative Kawakami and carried, H.R. No. 805 was adopted.

A resolution (H.R. No. 806) commending Captain Richard Kurth and family for adopting one of

the distressed orphans from Viet Nam was jointly offered by Representatives Clarke, Evans, Ajifu, Akizaki, Amaral, Cobb, Hakoda, Ikeda, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lunasco, Morioka, Naito, Oda, Poepoe, Sakima, Santos, Segawa, Soares, Sutton, Suwa, Yap and Yuen.

On motion by Representative Clarke, seconded by Representative Evans and carried, H.R. No. 806 was adopted.

A resolution (H.R. No. 807) congratulating Steve McPeck on being elected President of the Future Farmers of America in Hawaii was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 807 was adopted.

A resolution (H.R. No. 808) congratulating Vance I. Kinoshita on being awarded a National Merit Scholarship was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Clarke, Cobb, Fong, Hakoda, Ikeda, Kawakami, Kiyabu, Kondo, Lee, Medeiros, Mizuguchi, Morioka, Naito, Oda, Sakima, Shito, Takamine, Takamura, Uechi and Yamada.

On motion by Representative Cayetano, seconded by Representative Mizuguchi and carried, H.R. No. 808 was adopted.

A resolution (H.R. No. 809) congratulating the Kapahulu Raiders Basketball Teams and Denis Clemente, President of the Kapahulu Youth Athletic Association was jointly offered by Representatives Kiyabu, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Inaba, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Peters, Sakima, Shito, Soares, Suwa, Takamine, Uechi, Yamada and Yap.

On motion by Representative Kiyabu,

seconded by Representative Akizaki and carried, H.R. No. 809 was adopted.

A resolution (H.R. No. 810) congratulating the Kaimuki High School Student Guidance Committee for receiving the first place award of merit and honor at the 1975 Annual Boy Scout Makahiki in Honolulu was jointly offered by Representatives Kiyabu, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Inaba, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Peters, Sakima, Shito, Soares, Suwa, Takamine, Uechi, Yamada and Yap.

On motion by Representative Kiyabu, seconded by Representative Akizaki and carried, H.R. No. 810 was adopted.

A resolution (H.R. No. 811) extending congratulations and best wishes to the Pearl City Bobby Sox Softball League of Pearl City on the opening day of the 1975 softball season was jointly offered by Representatives Mizuguchi, Akizaki, Cayetano, Inaba, Kiyabu, Lee, Morioka, Naito, Sakima, Shito, Takamine, Takamura and Uechi.

On motion by Representative Mizuguchi, seconded by Representative Cayetano and carried, H.R. No. 811 was adopted.

A resolution (H.R. No. 812) honoring the golden anniversary of Lanakila School was jointly offered by Representatives Sakima, Yap, Lee, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Santos, Segawa, Shito, Soares, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yuen and Wakatsuki.

On motion by Representative Sakima, seconded by Representative Yap and carried, H.R. No. 812 was adopted.

At this time, Representative Kunimura rose on a point of order and stated:

"I think we have amongst us, the members of this House, one ineligible member, because I don't think he has the proper credentials. From where I stand, I see the lobbyist of the construction industry taking Mr. Kawakami's seat, and I would request, at this time, that the Speaker get the Sergeant--at-Arms to remove him."

The Chair replied:

"Matter will be taken up after recess."

At 1:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

Representative Peters then rose and stated:

"We went over to check out Representative Kunimura's complaint as it had to do with John Cornuelle sitting in Representative Kawakami's seat. I think apologies are in order now."

Representative Kunimura then rose and stated:

"I apologize at this time. The person in the green and white shirt is truly my colleague from Kauai. But, from this point, with my poor vision, he certainly looks like John Cornuelle because he is wearing John Cornuelle's lobbying uniform."

The Chair then remarked:

"The question is, who is being insulted at this time."

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 54, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Shito moved that the House agree to the amendments proposed by the Senate to H.B. No. 54, HD 1, and H.B. No. 54, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Cayetano.

Representative Shito then explained that "the amendment on this, by the Senate, is just changing a language

where they added the phrase 'exercise such policy as deemed to for public use and purpose'. This is the constitutional amendment change."

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

"Has the Committee Chairman on Housing discussed the amendment by the Senate with the members of the Republican Housing Committee?"

At 1:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 54, HD 1, as amended, passed Final Reading by a vote of 49 ayes, with Representatives Ikeda and Lee being excused.

The Chair directed the Clerk to note that H.B. No. 54 passed Final Reading at 1:10 o'clock p.m.

At this time, Representative Carroll introduced Mr. John Cornuelle who was seated in the gallery.

Representative Kunimura then rose and stated:

"May I request my colleague from Kauai not to wear green and white and blue and white from now on."

The Chair then added:

"Also not to grow a mustache."

Representative Kiyabu introduced the "Polynesian Hurricane" from his district, Mrs. Mahekona.

At 1:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:15 o'clock p.m.

At 1:15 o'clock p.m., on motion by Representative Kimura, seconded by Representative Soares and carried, the House of Representatives stood in recess until 7:30 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:06 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 429 to 494) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 429) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 142 and that Senate Bill No. 142, as amended, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 430) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1326, SD 2, and that Senate Bill No. 1326, SD 2, as amended, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 431) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill 959 was adopted by the Senate; and Senate Bill 959, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 432) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1050, SD 1, was adopted by the Senate; and Senate Bill No. 1050, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 433) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 282, HD 1, was adopted by the Senate; and

House Bill No. 282, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 434) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 336, HD 1, was adopted by the Senate; and House Bill No. 336, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 10, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 435) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 430, HD 1, was adopted by the Senate; and House Bill No. 430, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 436) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 677, HD 1, was adopted by the Senate; and House Bill No. 677, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 437) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 851, HD 1, was adopted by the Senate; and House Bill No. 851, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 438) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1870, HD 1, was adopted by the Senate; and House Bill No. 1870, HD 1, SD 3, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 439) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1874, HD 1, was adopted by the Senate; and House Bill No. 1874, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 440) transmitting Senate Concurrent Resolution No. 5 relating to a teacher evaluation program for the public school system in the State of Hawaii which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 441) transmitting Senate Concurrent Resolution No. 150 relating to the Office of Tourism which was adopted by the Senate on April 11, 1975, was placed on file.

By unanimous consent, S.C.R. Nos. 5 and 150 were placed on the Clerk's Desk.

A communication from the Senate (Sen. Com. No. 442) returning House Concurrent Resolution No. 47, HD 1, which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 443) returning House Concurrent Resolution No. 69, HD 1, which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 444) returning House Concurrent Resolution No. 93 which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 445) returning House Concurrent Resolution No. 124 which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 446) returning House Concurrent Resolution No. 112 which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 447) returning House Bill No. 332 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 448) returning House Bill No. 852, HD 1, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 449) returning House Bill No. 1218 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 450) returning House Bill No. 1417 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 451) returning House Bill No. 1576 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 452) returning House Bill No. 1713, HD 1, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 453) returning House Bill No. 1851 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 454) returning House Bill No. 1900, HD 1, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 455) returning House Bill No. 369 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 456) transmitting Senate Concurrent Resolution No. 104 requesting the Hawaii Congressional Delegation initiate action to determine the status of release of federal lands on Oahu

to the State of Hawaii which was adopted by the Senate on April 11, 1975, was placed on file.

By unanimous consent, S.C.R. No. 104 was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 457) returning House Concurrent Resolution No. 60 which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 458) returning House Concurrent Resolution No. 105, HD 1, which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 459) returning House Bill No. 7, HD 1, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 460) returning House Bill No. 8, HD 2, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 461) returning House Concurrent Resolution No. 139, HD 1, which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 462) returning House Bill No. 152, HD 2, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 463) returning House Bill No. 826 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 464) returning House Bill No. 856 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 465) returning House Bill No. 931 which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 466) returning House Bill No. 1571 which passed Third Reading in the Senate on April

11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 467) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 62, SD 1, and that Senate Concurrent Resolution No. 62, SD 1, as amended, was Finally adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 468) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 608, SD 1, and that Senate Bill No. 608, SD 1, as amended, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 469) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 846, SD 1, and that Senate Bill No. 846, SD 1, as amended, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 470) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 55, HD 1, was adopted by the Senate; and House Bill No. 55, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 471) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 91, HD 2, was adopted by the Senate; and House Bill No. 91, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 472) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 126, HD 1, was adopted by the Senate;

and House Bill No. 126, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 473) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 127, HD 1, was adopted by the Senate; and House Bill No. 127, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 474) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 327, HD 1, was adopted by the Senate; and House Bill No. 327, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 475) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 363, HD 1, was adopted by the Senate; and House Bill No. 363, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 476) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 372 was adopted by the Senate; and House Bill No. 372, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 477) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 612, HD 1, was adopted by the Senate; and House Bill No. 612, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 478) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments

proposed by the Senate to House Bill No. 850, HD 1, was adopted by the Senate; and House Bill No. 850, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 479) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 999, HD 1, was adopted by the Senate; and House Bill No. 999, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 480) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1742, HD 1, was adopted by the Senate; and House Bill No. 1742, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 481) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1779, HD 2, was adopted by the Senate; and House Bill No. 1779, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 482) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1852, HD 1, was adopted by the Senate; and House Bill No. 1852, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 483) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1875, HD 1, was adopted by the Senate; and House Bill No. 1875, HD 1, SD 2, CD 1, passed Final Reading

in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 484) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 42, SD 2, was adopted by the Senate; and Senate Bill No. 42, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 485) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 516, SD 1, was adopted by the Senate; and Senate Bill No. 516, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 486) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 535, HD 1, was adopted by the Senate; and Senate Bill No. 535, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 487) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 637, SD 1, was adopted by the Senate; and Senate Bill No. 637, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 488) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1200, SD 2, was adopted by the Senate; and Senate Bill No. 1200, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 489) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1281, SD 2, was adopted by the

Senate; and Senate Bill No. 1281, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 490) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1645, SD 1, was adopted by the Senate; and Senate Bill No. 1645, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 491) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1732, SD 1, was adopted by the Senate; and Senate Bill No. 1732, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 492) returning House Concurrent Resolution No. 54 which was adopted by the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 493) returning House Bill No. 277, HD 1, which passed Third Reading in the Senate on April 11, 1975, was placed on file.

A communication from the Senate (Sen. Com. No. 494) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 95 and that Senate Concurrent Resolution No. 95, as amended, was Finally adopted by the Senate on April 11, 1975, was placed on file.

DEFERRED RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 5 and 150) were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
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5	Committee on Education
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150	Committee on Tourism
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COMMITTEE REASSIGNMENT

Senate Concurrent Resolution No. 148 was re-referred solely to the Committee on Higher Education.

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

"Mr. Speaker, it seems rather strange that I had to make such a rapid change of my clothing. But I want it explained in the record of this House, although I have been a strong, at times vicious, individualist, on this last night, I want to cooperate with the Speaker of the House to my fullest; and when I was requested by the Speaker, you, Mr. Speaker, to change my clothes, I was gonna fight you tonight because you said no T-shirt, anything else be okay; and I wanted to wear something very comfortable, something my father and my ancestors wore for many, many thousands of years. But, Mr. Speaker, I love you, so I accede to you."

The Chair then responded, stating:

"Chair appreciates your cooperation, Representative Kunimura, and the Chair still loves you."

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

"I'm a little concerned that the last statement about loving you might be construed to mean a lot more than just cooperation."

Representative Abercrombie then stated:

"Mr. Speaker, this House is on record as being very progressive in this area and I am sure that both of you may be regarded as consenting adults."

The Chair then responded:

"You will find throughout the evening that we will all be consenting adults."

Representative Kunimura then stated:

"You took the words out of my mouth, Mr. Speaker. But, I shall don my regular ethnic clothing after the session."

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 813 to 831) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 813) congratulating Susan Newton for being named 1975 Junior Achievement of Hawaii Salesperson of the Year was jointly offered by Representatives Kiyabu, Abercrombie, Akizaki, Blair, Cayetano, Fong, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lunasco, Machida, Mizuguchi, Morioka, Naito, Peters, Poepoe, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kiyabu, seconded by Representative Akizaki and carried, H.R. No. 813 was adopted.

A resolution (H.R. No. 814) congratulating Didi Kekaulani Nestuk for being selected as Miss Kauai of 1975 was jointly offered by Representatives Yamada, Kawakami, Kunimura, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Fong, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kondo, Larsen, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Yamada, seconded by Representative Kawakami and carried, H.R. No. 814 was adopted.

A resolution (H.R. No. 815) commending the freshmen members of the House of Representatives, Regular Session of 1975, was jointly offered by Representatives Kondo, Ajifu, Akizaki, Amaral, Carroll, Cobb, Garcia, Kawakami, Kihano, Kimura, Kunimura, Lee, Lunasco, Medeiros, Morioka, Poepoe, Roehrig, Sakima, Soares, Suwa, Takamine, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Suwa and carried, H.R. No. 815 was adopted.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I for one, would like to thank the senior members on behalf of all the freshmen, especially Inaba-san."

Representative Amaral then stated:

"Whenever, in the course of the day, that we introduce our honorees, we all give them a big hand. I would like to suggest that our honorees tonight stand and be applauded."

The Chair so ordered. After the freshmen legislators were duly applauded, the Chair then stated:

"Now that you have been applauded, we hope that you will vote correctly."

Representative Soares, on a point of order, stated:

"Does that include a freshman Speaker as well?"

A resolution (H.R. No. 816) relating to standing, special and interim committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1975 and the convening of the Regular Session of 1976 was jointly offered by Representatives Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 816 was adopted.

A resolution (H.R. No. 817) authorizing and empowering the Speaker of the House of Representatives of the Regular Session of 1975 to complete the work of the Eighth Legislature was jointly offered by Representatives Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 817 was adopted.

A resolution (H.R. No. 818) authorizing the Speaker of the House of Representatives to designate which employees and officers of the House shall be given additional employment in order to meet the work after the session was jointly offered by Representatives Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 818 was adopted.

A resolution (H.R. No. 819) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1975 was jointly offered by Representatives Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 819 was adopted.

A resolution (H.R. No. 820) approving the Journal of the House of Representatives of the Sixtieth Day was jointly offered by Representatives Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 820 was adopted.

A resolution (H.R. No. 821) expressing appreciation to the Central Services Division, Department of Accounting and General Services for excellent services rendered to the House of Representatives, Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 821 was adopted.

A resolution (H.R. No. 822) extending sincere gratitude and thanks to the Honolulu Council of Churches and all of its member churches, the Association of the Oahu Evangelicals, the Honpa Hongwanji Mission and the Catholic Diocese was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 822 was adopted.

A resolution (H.R. No. 823) commending the Honolulu Advertiser for its coverage of the activities of the Eighth Legislature, Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative

Soares and carried, H.R. No. 823 was adopted.

A resolution (H.R. No. 824) commending the Honolulu Star-Bulletin for its coverage of the activities of the Eighth Legislature, Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 824 was adopted.

A resolution (H.R. No. 825) commending the Associated Press for its extensive coverage of the activities of the Eighth Legislature, Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 825 was adopted.

A resolution (H.R. No. 826) expressing deepest appreciation to the radio stations and TV stations for having provided extensive coverage throughout the session was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 826 was adopted.

A resolution (H.R. No. 827) conveying appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying fresh pineapple juice was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 827 was adopted.

A resolution (H.R. No. 828) extending appreciation to the Honolulu Police Department for its kind and efficient service rendered during the Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 828 was

adopted.

A resolution (H.R. No. 829) expressing appreciation to the Capitol Security Force for outstanding service throughout the Regular Session of 1975 was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 829 was adopted.

A resolution (H.R. No. 830) expressing appreciation to the Legislative Auditor's Office for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 830 was adopted.

A resolution (H.R. No. 831) expressing appreciation to the Legislative Reference Bureau for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Wakatsuki, Garcia, Kimura, Poepoe, Soares, Ushijima and Yap.

On motion by Representative Kimura, seconded by Representative Soares and carried, H.R. No. 831 was adopted.

STANDING COMMITTEE REPORTS

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 951) recommending that S.C.R. No. 148 be referred to the Committee on Labor and Public Employment.

Representative Sakima moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that S.C.R. No. 148 be referred to the Committee on Labor and Public Employment, that S.C.R. No. 148 be adopted, seconded by Representative Takamura.

Representative Lee waived referral of S.C.R. No. 148 to the Committee on Labor and Public Employment.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, S.C.R. No. 148 was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 952) recommending that S.C.R. No. 129 be adopted.

On motion by Representative Sakima, seconded by Representative Takamura and carried, S.C.R. No. 129 was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 953) informing the House that House Resolution Nos. 789 to 812, Standing Committee Report Nos. 889 to 952 and Conference Committee Report Nos. 2 to 36, have been printed and distributed.

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

At 8:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:16 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 934 on S.B. No. 1188 (Deferred from April 10, 1975):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 1188, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Cobb then rose on a point of information, asking:

"Are there any financial implications involved in this bill?"

Representative Suwa replied:

"None, Mr. Speaker."

The motion was then put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1188, having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1188 passed Third Reading at 8:17 o'clock p.m.

Conf. Com. Rep. No. 13 on H.B. No. 282, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 282, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 14 on H.B. No. 430, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

On motion by Representative Stanley, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 430, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15 on H.B. No. 1742, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

By unanimous consent, action on Conf. Com. Rep. No. 15 on H.B. No. 1742, HD 1, SD 1, CD 1 was deferred to the end of the calendar.

Conf. Com. Rep. No. 16 on H.B. No. 850, HD 1, SD 2, CD 1 (Deferred from April 10, 1975):

Representative Yamada moved that the report of the Committee be adopted and that H.B. No. 850, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Soares then rose and stated:

"Under 'Discussion', I would like to ask the Chairman of the Committee to yield to a question."

At 8:19 o'clock, upon request by Representative Yamada, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:20 o'clock p.m., Representative Yamada

asked:

"May I be allowed to file a statement with the Clerk concerning this bill at a later date?"

The Chair so ordered.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 850, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Amaral and Sutton voting no.

Conf. Com. Rep. No. 17 on H.B. No. 1875, HD 1, SD 2, CD 1 (Deferred from April 10, 1975):

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 1875, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Conf. Com. Rep. No. 18 on H.B. No. 1852, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

On motion by Representative Yap, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 1852, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19 on S.B. No. 516, SD 1, HD 1, CD 1 (Deferred from April 10, 1975):

On motion by Representative Roehrig, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 516, SD 1, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Conf. Com. Rep. No. 20 on S.B. No. 1281, SD 2, HD 2, CD 1 (Deferred from April 10, 1975):

By unanimous consent, action on Conf. Com. Rep. No. 20 on S.B. No. 1281, SD 2, HD 2, CD 1 was deferred to the end of the calendar.

Conf. Com. Rep. No. 21 on
S.B. No. 1645, SD 1, HD 1, CD
1 (Deferred from April 10, 1975):

By unanimous consent, action
on Conf. Com. Rep. No. 21 on
S.B. No. 1645, SD 1, HD 1, CD 1
was deferred to the end of the
calendar.

Conf. Com. Rep. No. 22 on
H.B. No. 372, SD 1, CD 1 (Deferred
from April 10, 1975):

By unanimous consent, action
on Conf. Com. Rep. No. 22 on
H.B. No. 372, SD 1, CD 1 was
deferred to the end of the calendar.

Conf. Com. Rep. No. 23 on
H.B. No. 1870, HD 1, SD 3, CD
1 (Deferred from April 10, 1975):

Representative Kawakami moved
that the report of the Committee
be adopted and that H.B. No.
1870, HD 1, SD 3, CD 1, having been
read throughout, pass Final Reading,
seconded by Representative Roehrig.

Representative Cobb then rose
on a point of information and asked:

"Mr. Speaker, will the Chairman
yield to one or two questions concerning
the applicability of this measure?"

Representative Kawakami then
replied:

"I will, Mr. Speaker."

Representative Cobb then stated:

"Mr. Speaker, can a citizen
living adjacent to and affected
by a change of classification
of land use initiate action on his
own if he is not a property owner?"

Representative Kawakami replied:

"Mr. Speaker, this bill does
not allow for a person without
any right to the property to
file any land use amendment changes."

Representative Cobb then asked:

"Mr. Speaker, may there be
a suit challenging a prior decision
under the old law of the Land
Use Commission after July 1,
1975?"

Representative Kawakami asked:

"Could you repeat it again?"

Representative Cobb then stated:

"May there be a suit filed after
July 1, 1975 challenging a prior
decision under the Land Use Law?"

Representative Kawakami replied:

"Only God knows."

The motion was put by the Chair
and carried, and the report of the
Committee was adopted and H.B.
No. 1870, HD 1, SD 3, CD 1, having
been read throughout, passed Final
Reading by a vote of 45 ayes to 6
noes, with Representatives Abercrombie,
Carroll, Cayetano, Cobb, Ho and
Peters voting no.

Conf. Com. Rep. No. 24 on H.B.
No. 677, HD 1, SD 2, CD 1 (Deferred
from April 10, 1975):

Representative Kawakami moved
that the report of the Committee
be adopted and that H.B. No. 677,
HD 1, SD 2, CD 1, having been read
throughout, pass Final Reading,
seconded by Representative Kihano.

Representative Poeppoe then rose
to speak in favor of the bill, stating:

"Mr. Speaker, at the start of
this legislative session, both caucuses
of this House developed legislative
programs which addressed the critical
question of future land use in Hawaii.
Your caucus approach went in one
direction, ours in another. Your
caucus supported direct legislative
intervention and control over land
use. Our caucus wanted the Legisla-
ture to function in a policy-making
role only.

The conference draft before us
tonight is the end result of the legisla-
tive process in its most perfect
form. And I am pleased that in its
final form it represents the Republican
position . . . namely, that the Legisla-
ture shall formulate policies and
directions but will not directly participate
in individual land use decisions.

Mr. Speaker, we Republicans
are pleased to see this bill become
law. Not simply because it embodies
our concepts, but because it is long
overdue. Twelve years ago, we,
in this State made a commitment
to preserve our open space and
to prevent haphazard destruction
of our valuable land. But we have
lacked the much needed statewide
overview to guide land use decisions.
With the enactment of this legislation. . ."

Representative Kawakami interrupted on a point of order and upon being recognized, asked:

"Is the Representative speaking on House Bill 1870 or House Bill 677?"

Representative Poepoe replied:

"House Bill 677."

The Chair then stated:

"Representative Poepoe, will you state your comments to the merits or demerits of the bill."

Representative Poepoe then stated:

"Yes, Mr. Speaker, we are confident that this bill will lead to the preservation of our open space. Thank you very much."

Representative Clarke then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. 677, HD 1, SD 2, CD 1.

Mr. Speaker, this is without a doubt one of the most comprehensive and far-reaching proposals to come before this body in this or any other session.

For approximately 18 years, numerous general plans have been formulated by the State and various counties. All of these plans dealt primarily with land use, with little attention given to social, economic, cultural, environmental, or similar concerns.

It is now quite obvious to Hawaii and the rest of the nation that master plans must include a scope much broader than just drawing lines on a map. This serious shortcoming has resulted in numerous conflicts involving land use between the State and County governments. County general plans have been drafted and revised with little or no coordination with the Land Use Commission.

Our Republican programs for this legislative session emphasized the absence of a truly comprehensive plan for this State. Therefore, in the interest of the people of this State, the Republicans worked with the Democratic caucus in developing this important piece of legislation before us today. H.B. 677, HD 1,

SD 2, CD 1, will give the State of Hawaii the directions and goals we have sorely missed in the past. We Republicans are pleased to have taken an active role in the drafting of this bill.

On behalf of the people of the State of Hawaii, I would like to thank all of those members of this honorable body that made this piece of legislation possible.

Thank you, Mr. Speaker."

Representative Cobb then rose and stated:

"I rise to speak in favor of this measure.

Basically, this is a good bill; it should be passed; but it's not perfect. It's worth getting on the books because it follows up and can contribute to rational, orderly, controlled growth and development of the whole State.

It contains the seeds of power which may be carefully monitored by the Legislature on a regular basis. But, nonetheless, such power is needed if the State planning process is to be shaped up and made real. However, I am surprised that there is no reference to Hawaii Revised Statutes, Chapter 201, which already provides for a general plan, by definition, 'a long range comprehensive plan which serves as a guide for the future physical and economic development of the State.'

There is some overlap. This may be the kind of thing that will have to be cleaned up in future legislation.

I note, also, that the Conference Committee Report knocked out the evaluation of the plan by the Legislative Auditor although it does note this is a residual capability that could be called up later. This relates to the watchdog function. It is going to be so important for the committees of the Legislature to follow.

In closing, I think we have a good beginning here; a good policy--one that may need follow-up later on."

Representative Kawakami then rose and stated:

"A few comments just to rebut the previous speaker.

On the comments that were made as far as repealing of the existing provisions on the books presently,

we have learned from the Department of Planning and Economic Development that most of the federal funding that we have been receiving to date has been done through that particular section of the law, and we did not want to jeopardize additional federal funding in the future by repealing that section. And, the present bill has a different definition from what exists presently so there will be no confusion whatsoever.

Thank you."

Representative Soares then rose and stated:

"Mr. Speaker, I feel privileged to take part in what I consider a great moment in the history of this honorable body. The passage of this bill will be the culmination of many years of hard work. Your House Republicans and the Citizens' Task Force, three years ago, began work in putting together a policy plan for the State of Hawaii. Last year, I introduced H.B. 2448 as part of our program, a bill very similar to the one before us today, which received the overwhelming support of all of the planners throughout the State of Hawaii. Earlier this year, our caucus introduced H.B. 237, which received similar acclaim.

Mr. Speaker, the speakers have already mentioned the need for this policy plan and I think it is my pleasure to vote 'yes' on this bill to help insure a great future for Hawaii. We should all work harder together again like this to bring together the kind of planning we need to have the life styles for all of our people number one in the world.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 677, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 25 on S.B. No. 42, SD 2, HD 2, CD 1 (Deferred from April 10, 1975):

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 42, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kihano.

Representative Blair then rose and stated:

"I rise to speak in favor of this bill.

As you can see by the designation of two Senate and two House drafts, as well as the Conference draft, this is not the first time I've risen to speak on this bill, so I'll be brief.

Basically, I think the concern was that in going into conference, the very good House Bill would be somehow defeated, at least in its intent, and I think this has not happened. I think we have a very good bill here. The principal amendments that were made by your Conference Committee related to the effective date of the Act based on the counties which would be implementing the Act, their opinion that the element was unduly restrictive, and there were also some exclusions granted based on developers who had, in good faith, attained government approval to a degree of their development and we didn't want to shut them out; basically, in effect, to change our minds in mid-stream. So with these two amendments, we have very nearly the initial House position in H.B. No. 92, with only very insubstantial changes. And, I think we even got the title right this time.

I'd like to also particularly thank Representative Kawakami who was the aged representative of the old guard in the formulation of the bill. It helps to have someone with some more experience to tell you how to draft titles, I guess.

As a final word, Mr. Speaker, I recall when this bill was last before the House, I was rude to Representative Evans in not answering her question and I would like to go on record as saying that I'm now willing to answer any and all questions on this bill."

Representative Sutton then rose and stated:

"I rise to speak against S.B. No. 42, 'A Bill for an Act Relating to Shoreline Protection'.

Mr. Speaker, Mark Twain said that we have the most beautiful chain of islands anchored in any sea. But, Mr. Speaker, the shoreline of those islands is our most precious asset and we are not achieving their protection. We are talking about

a protection, not of a thousand yards in, but we define it as a hundred yards or something further.

Mr. Speaker, under this bill, each county will establish a special management area and administer a permit system therein. But when does this go into effect-- December 1, 1975? And think of the rush that will occur for permits up to that time - six months hence, Mr. Speaker.

And, Mr. Speaker, I think that for all intents and purposes, we have had the concerns of the developers, not the concerns of the citizens I represent in the poor areas of Honolulu. These people enjoy a beautiful Hawaiian Islands that has this tremendous asset and they look at the State of California which was able to annex a law that protected the shoreline 1,000 yards in. And the people of California do not have a shoreline, Mr. Speaker, that is nearly as beautiful as ours.

Mr. Speaker, I would just like to say that I have heard that half a loaf is better than none. I believe that if we fight hard enough, we can get a whole loaf.

Thank you, sir."

The Chair, at this time, stated:

The Chair requests that the audience exercise patience and understanding and decorum."

Representative Carroll then rose to speak against the bill, stating:

"Mr. Speaker, the latest version of the shoreline protection bill is a shibai.

December 1, 1975, the effective date for the permit system, renders this bill a pro-development bill rather than one designed to control development to preserve those invaluable and limited shoreline resources which so significantly influence and enhance life in our State. The effect will be to accelerate development and the net result is going to be poorly planned and low quality development.

The permit area is miserably inadequate; it doesn't begin to fulfill the bill's purpose of interim protection. A hundred yards

inland is too little. It's true that the counties can extend, but our experience is that they will not. The failure to set wider minimums constitutes buck-passing. Many projects which will affect the coast will escape the bill's requirements. The Waialea development on Maui will block the view from the highway, affect public access, foreclose management options, and yet, it will not be covered by this Act.

Now, perhaps the largest deficiency is the lack of planning guidelines and requirements to insure a strong and comprehensive coastal zone management planning based on extensive public input. Even the strongest interim controls will be to no avail if a poor plan is adopted by the Legislature in 1977. The DPED coastal planning performance thus far has been of questionable quality."

Representative Kawakami interrupted on a point of order and stated:

"I don't think the speaker is speaking on this bill when he makes referral to the present study that is going on."

The Chair then stated:

"Representative Carroll, will you confine your remarks to the bill; otherwise, the Chair will rule you out of order."

Representative Carroll then replied:

"Mr. Speaker, I will respect the Chair's ruling on that and I will say that this bill will exempt the construction of single family homes. It has a very broad Grandfather clause which creates not a loophole, but a tunnel. The time to require accountability is now. By this bill, I believe we are missing our chance.

A half a loaf, Mr. Speaker, no. I sincerely believe that, in this case, we would be better off to go without this than to attempt to swallow this moldy remain as a full loaf which was originally offered. I ask everyone to vote no on this bill.

Thank you, Mr. Speaker."

Representative Blair then rose and stated:

"I rise to speak again in favor of the bill and to make strong exception to the remarks of the previous speaker.

Mr. Speaker, we originally were considering a 1,000 yard setback, but we ran into problems because all areas of the islands do not require the same amount of protection, and if we were to go to a thousand yards, we discovered we would have to include other provisions which would prevent us from, for example, having a shoreline protection bill that extended beyond McKinley High School and King Street, and, at the same time, would cover precisely the same distance in our most rural communities.

The feeling was, Mr. Speaker, rather than to try and grapple with language that would include or exclude specific areas, which we did try but weren't successful in doing, that it would be better to go to a hundred yards, establish it as a minimum, and to allow the counties to go to a thousand, two thousand, five thousand, as they see fit.

Remarks were made that, based on experience, this will not happen. Mr. Speaker, we were aware that the experience with the setback law would not indicate that this would be the case and we, therefore, made provisions whereby, prior to the delineation of the 100 yard boundary, the counties would be mandated, Mr. Speaker, to allow the public to come before them and present the case for the establishment of boundaries in particular areas beyond the 100 yards.

Mr. Speaker, remarks have also been made as to the effective date of this Act and the fact that your Conference Committee moved it back by several months. Mr. Speaker, I believe we have heard tonight a somewhat amended version of the old saying, 'better late than never'. We've now heard speakers saying, 'better never than late'.

Mr. Speaker, there will be no rush for permits because of the effective date of this Act, as has been suggested by the previous speakers. I believe that the experience that such a feeling could be based upon would be the case in Waikiki where people rushed for permits because the triggering mechanism there was not the issuance of the permit but, rather, the request for the issuance of a permit.

Mr. Speaker, anyone can ask for a permit, not everyone can get it. It would be very foolhardy for any developer to try and make a hasty rush for a permit in the hopes that he could get it within the next six months or until December 1, 1975. Experience in going through the planning departments of this county leads one to believe that would be a very extreme gamble and would involve a good deal of money on his part. For that reason, your Committee believed that there would not be a rush for permits but that only those who, in good faith, had expended a good deal of their money and had gotten at least preliminary governmental approval of their development would be affected by this, if you want to call it, Grandfathering clause.

I won't go into the remarks made about the DPED. That isn't covered in this legislation, true, but it is covered in two other pieces of legislation previously passed, and I think that at that time. . ."

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I was ruled out of order referring to that--what's sauce for the goose is sauce for the gander on that one. Thank you."

Representative Blair then continued:

"For those reasons, I think that the previous speakers who suggested that the effective date, or the 100 yards or more, were insufficient and that, somehow, rather than a partial protection of the shoreline, we should have no protection of the shoreline at all, are not speaking to the concerns of those who originally lobbied for this bill, and I don't believe any of the parties who came and spoke before your Committee, that they would like to see shoreline protection, were they sitting on this floor now, would vote no for this bill and for that reason, I ask all Representatives to vote in the affirmative.

Thank you, Mr. Speaker."

Representative Evans then rose and stated:

"Mr. Speaker, first of all, I would like to assure the Chairman of the Environmental Protection Committee that I will not be asking embarrassing questions today; however, I would like to thank him and the House conferees for all the time and effort

that was spent in trying to put a good shoreline protection bill together. However, the draft. . ."

Representative Kimura, on a point of order, stated:

"I wanted to request whether she was for or against the bill."

The Chair replied:

"She is speaking in favor."

Representative Evans then continued:

"I was just about to say I was speaking for the shoreline protection bill, S.B. No. 42, SD 2, HD 2, CD 1.

The draft before us, however, represents a shameful dilution of the version passed on 6th reading last week by this honorable body, and I wish to express the strong reservations I have.

The six-month delay in operation of the permit system and the expansion of the Grandfather clause exemption - changes which were initiated by certain Senate conferees - threaten to negate the very purpose of the bill. Not only will the newest changes postpone desperately needed protection of our priceless shorelines; development will be accelerated by the rush to obtain permits before the cut-off date. We can also expect a rash of poorly planned and recklessly financed developments, the ultimate victims of which will be the public.

The postponement of the permit system and expansion of the Grandfather clause represents the work of certain special interests who wish to get their own developments through and close the door on all competition.

Examples of such developments which have had an overbearing influence on the proposed legislation before us include plans for Malaekahana and the Alii Shores subdivision in my own Windward Oahu.

I find this sacrifice of the public interest for certain small private interests deplorable.

While I am glad that permit controls on coastal development will eventually be instituted, I fear sad consequences from the

latest weakening of the shoreline bill. However, Mr. Speaker, a dike with many holes is better than no dike at all.

Thank you."

Representative Kawakami then rose to speak in favor of the bill, stating:

"Mr. Speaker, specifically, I wish to address my remarks to the December 1, 1975 effective date of this Act.

After careful consideration by the conferees and deliberation on the Senate's position regarding the date for the delineation of the boundaries of the special management area and promulgation of rules and regulations, the members of the Conference Committee concluded that the December 1st date was both rational and feasible.

This bill allows the counties to promulgate boundary maps which will reflect the special management area. This matter will require considerable time. The counties will have to survey the islands; scrutinize the shorelines so that excluded areas are not contained within the special management area; and, finally, to draw the lines.

The December 1st date will provide the counties with sufficient time to do a careful, efficient and thorough job. It will insure that the boundaries are clearly delineated. It will assure that the proper procedures are followed. It will eliminate any possibility that court action will be taken against the counties on the delineation of the management area.

This bill also provides that the requirements of the Administrative Procedures Act are followed. This will entail proper notice to the public; the holding of public hearings on each of the islands; and promulgation of rules and regulations covering the application procedures for the permit; and the governing rules of procedures in the evaluation of such application.

Mr. Speaker, there has been some concern and apprehension expressed that the December 1st date will instigate a mass of construction permit applications in the near future. I hope and trust that the county planning commissions and departments will be diligent and

prudent in their review of any proposal they receive requesting a permit to build on the shoreline areas.

I strongly recommend that the counties use the guidelines contained in this bill in their review and determination before any construction permits are granted.

Senate Bill No. 42, SD 2, HD 2, CD 1 provides for interim protection of our precious shorelines. This bill will guard against improper or poorly planned construction that will irreparably damage one of Hawaii's most valuable resources. The December 1, 1975 date does not impair the utility of this measure. I, therefore, urge all of the members of this body to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 42, SD 2, HD 2, CD 1, having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Carroll and Sutton voting no.

Conf. Com. Rep. No. 26 on H.B. No. 55, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 55, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kondo.

Representative Shito then rose to speak in favor of the bill, stating:

"The purpose of this bill is to set forth an equitable formula of computing lease rents upon re-negotiation, to thereby correct the imbalance of bargaining power that presently exists between the lessor and lessee.

Your Committee on Housing realizes that no formula, plan, organization or systematic criteria prevails to help facilitate the imposition of lease rents during re-negotiation periods. As a consequence, it is not exceptional for an individual to pay as much as a thousand percent increase on his rent; and, further, it is not exceptional for that same individual to pay his landowner for an investment that he may have made on that

lot.

Such inequities have broken down the bargaining balance so essential in a fair and workable relationship between the lessor and the lessee. Moreover, negative economic and social ramifications surface, thus gravely affecting the health, welfare and well-being of the citizenry of this State.

To the members of this honorable body, I ask that you vote in favor of H.B. No. 55, HD 1, SD 1, CD 1.

Thank you."

Representative Sutton then rose and stated:

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

This bill uses the term 'owner's basis' and yet in the definition of the bill that follows, S.B. No. 1200; in contradistinction, there is the term, 'owner's basis' which is not defined in the same way.

We have an initial confusion - I will bring that up again, sir, when I talk on S.B. No. 1200. This bill is infringing on the validity of contracts; it is pulling itself up, Mr. Speaker, by its own bootstraps by findings that I have not seen substantiated by the evidence.

I have been a member of this Committee and I have enjoyed very much working with Chairman Shito and he has done an excellent job. My concern is for constitutionality. I want to help the lessees; but, at the same time, I am aware of the chaos if the U.S. Supreme Court declares this unconstitutional.

Mr. Speaker, I think you must recall that we have had, in our history, a long period of agonizing on this problem. There is another side to this particular question. The late Bernice Pauahi Bishop left a charitable trust for the benefit of her Hawaiian people, for whom we are all guests. Certainly, I am a guest for a long time as my great-grandfather came here in 1843. But, I am still a guest of the Hawaiian people, and I wonder if we are doing all fairness to them to so cut their revenues for their schools, that we do not achieve the equities I would like to see achieved between lessee and lessor. I feel we need more time on this

bill.

Thank you, sir."

Representative Oda then rose and stated:

"Mr. Speaker, I rise to speak in favor of HB 55, HD 1, SD 1, CD 1.

Mr. Speaker, before I make my comments, I would like to thank the Chairman, Representative Shito, and to convey my congratulations across the hall to Senator Patsy Young, who chaired this particular measure, and to the members of the Committee, who did an outstanding job.

Mr. Speaker, this bill, as amended, represents many hours of work in committee hearings. In fact, there were three conference sessions. It represents, in my opinion, a milestone in housing legislation in the State of Hawaii, because it establishes reasonable guidelines whereby residents living on leasehold land can now become owners in fee.

Mr. Speaker, this bill is certainly not a perfect one; but, it is one of philosophical differences. The bill, in its entirety, is subject to the court's ruling on constitutionality. That, Mr. Speaker, in the final analysis, will determine how good this particular bill is.

However, Mr. Speaker, I wish to point to the positive contributions afforded by this bill, including the minimum period of lease rent re-negotiation, the formula of re-negotiating such lease rentals, and the establishment of adequate and equitable protection to the lessee if and when the lease period expires.

Mr. Speaker, these provisions, taken together, represents significant innovations in the area of Hawaii's housing needs, and a landmark that all of in this House, and the Senate, can point to. It is a direction, Mr. Speaker; a direction to which we can rightfully fulfill. Therefore, Mr. Speaker, I urge you and the members of this House to vote for this bill.

Thank you."

The motion was put by the Chair and carried, and the report of the

Committee was adopted, and H.B. No. 55, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Conf. Com. Rep. No. 27 on S.B. No. 1200, SD 2, HD 1, CD 1 (Deferred from April 10, 1975):

Representative Shito moved that the report of the Committee be adopted and that S.B. No. 1200, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kondo.

Representative Shito then rose and stated:

"I would like to have the intent of your Conference Committee on S.B. No. 1200, SD 2, HD 1, CD 1, incorporated into the House Journal - more particularly, with respect to the amendment to Section 516-22 of the Hawaii Revised Statutes.

Conference Draft 1 of this bill amends Section 516-22 and provides that the Hawaii Housing Authority may designate all or a portion of a development tract for acquisition and acquire leased fee interests in residential houselots in such development tract through eminent domain or under the threat of eminent domain if the HHA finds: (1) that a shortage of fee simple residential property exists in the county and that the acquisition and disposition of the leased fee interests in residential houselots in all or part of the development tract by the authority will assist in alleviating this shortage, or (2) that if twenty-five or more lessees or the lessees of more than fifty percent of the residential lease lots within the development tract, whichever number is the lesser, have applied to the authority to purchase the leased fee interest in their residential leasehold lots.

While the language appears to require HHA to establish only one of the findings, it is the intent of the Conference Committee that the word 'or' shall be deemed to be a conjunctive as well, and shall have the meaning of the word 'and' in the manner construed under Section 1-18, Hawaii Revised Statutes, such that the HHA must establish both findings before it may designate all or portion of a development tract for acquisition."

Representative Sutton then rose

and stated:

"Mr. Speaker, I believe that nothing could point out better the tremendous danger of this being held unconstitutional than the fact that we have just had"

Representative Cobb, on a point of order, asked:

"For or against the bill?"

Representative Sutton then stated:

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

Mr. Speaker, I do not believe that anything could more succinctly point up the dangers we have of constitutionality than we have had three motions here - right in front of us - and absolutely considered to be a final draft - that has passed this House three times; passed the Senate three times; supposed to go to Mr. Ariyoshi tomorrow morning; and, yet, they tell me on page 18 he has just looked at the word 'or' and, Mr. Speaker, that is on line 11 - and he tells me that the word 'or', which in Webster is defined as the alternative, is here intended to be the conjunctive.

The Supreme Court of the United States of America isn't going to like that type of drafting. That isn't the way we draft bills that go up there - when they have to come on this floor and say what the word 'or' means. And, the word 'or' means 'or'.

Now, let me get on to a little more of the very dangerous implications of this. The findings are the same way - they're not substantiated by the evidence. The Supreme Court of the United States is gonna look down and say have we for all intents and purposes actually made these findings a fact? It's a bootstrap operation, Mr. Speaker. They pull themselves up by their bootstraps and they say okay this is a public purpose so we can take this tremendous power of eminent domain and transfer it to the people who live on five acres of land. And, were there twenty-five of them or 51 percent, then these individuals can ask for a condemnation. But, you're going to have to have money, and the money for this will be in the bonds. And, I assure you, right

in the bond spot, if you will be kind enough to look, Mr. Speaker, you will see that their bond part speaks of a portion of a development tract. Money, therefore, could only be used to buy all five acres, not a portion thereof. And, yet, in the first part, we speak of a portion thereof. If we have a five acre parcel, what is required as far as the United States Supreme Court? Do we just buy those particular pieces of property in the five acre where those people petitioned, or do we buy the whole five acres?

The bond part says it must be all five acres. But, Mr. Speaker, these bondsmen back in New York are very astute people, and they have a very astute attorney and he has been out here and he has already said that if this bill has defects that are as apparent on the face as this, they will not issue the bonds.

Mr. Speaker, I move that No, I don't move. Let me withdraw that."

Chair then remarked:

"That is correct."

Representative Sutton then stated:

"Mr. Speaker, I do not wish to make a motion that will deter your proceedings for the evening. I've been invited to your party later, and I wish to attend."

The Chair then replied:

"If you will keep your remarks to the point, concise and short, the invitation will still stand."

Representative Sutton then continued:

"Mr. Speaker, they will be very concise. I'm very hungry and a little thirsty.

But, Mr. Speaker, we have seen, right in front of us, no back alleys - nothing like that - right in front of you and I, this audience and God - we have seen two serious omissions. They have to define the word 'or' in these proceedings and then they have not changed what the bondsmen are going to have to do on issuing bonds.

Therefore, I do hope that somebody else will join me in turning this bill down, and we can work on it in the interim and get something

constructive."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1200, SD 2, HD 1, CD 1, having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Amaral, Carroll, Kamalii, Santos and Sutton voting no.

The Chair, at this time, stated:

"The Chair will declare a recess for five minutes, but before doing so, the Chair will take the liberty of introducing a dear friend of ours, and a friend of all of the people of Hawaii, sitting in the wing. He's there watching and learning, I hope, the efficiency and speed with which the House operates - our good Governor, Governor George Ariyoshi."

Representative Soares then rose and stated:

"Mr. Speaker, I don't suppose the Governor has some letters in his hand for an extension?"

The Chair then replied:

"To the best of my knowledge, none whatsoever."

Representative Soares then stated:

"The minority has no objections."

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

The House of Representatives reconvened at 9:07 o'clock p.m.

Conf. Com. Rep. No. 28 on S.B. No. 535, HD 1, CD 1 (Deferred from April 10, 1975):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 535, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, I would like to have a ruling from the Chair on whether the present bill before you, the budget as presented,

is in violation of the House rules?"

The Chair replied:

"It is not."

Representative Abercrombie then asked:

"May I draw your attention to the rules that I have in mind, Mr. Speaker?"

The Chair directed Representative Abercrombie to "proceed".

Representative Abercrombie continued:

"Mr. Speaker, I make particular reference to page 10, Rule 11.6, Standing Committees: General Responsibility, sub-sections (1), (2), (3) and (4), with special emphasis on the last paragraph concerning prior concurrence of the standing committee having primary responsibility. This portion delimits the authority of the Finance Committee in relation to the subject matter committees. Mr. Speaker, I further. . . ."

Representative Yuen, on a point of order, stated:

"It is my understanding that the speaker has asked for an opinion of the Speaker, and the Speaker has rendered it. According to parliamentary rules, I think if he wants to pursue the point, he should appeal the decision of the Chair."

Representative Abercrombie then stated:

"Mr. Speaker, I took it when I asked you if I might incite the rules to you, you agreed?"

The Chair directed Representative Abercrombie to "proceed".

Representative Kunimura, on a point of order, stated:

"Only God can give that kind of power; and I don't think you have the power to suspend the rules unless the majority of this House so desires; and I think, at this time, we should call for a vote whether special permission can be given or not."

At 9:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:11 o'clock p.m., the Chair stated:

"The Chair will exercise some patience and understanding and withdraw his ruling and allow Mr. Abercrombie to cite his reasons."

Representative Abercrombie proceeded, stating:

"Mr. Speaker, I will not cite reasons, but rather that the rules that I believe lead to my point of order, so that you may make your ruling. I will be silent as to reasons. I leave it to your digression on the rules."

Mr. Speaker, if I may repeat then, for the benefit of the House. Mr. Speaker, I make particular reference to page 10 of the rules, Rule 11.6, Standing Committees: General Responsibility, sub-sections (1), (2), (3) and (4), with special emphasis on the last paragraph concerning prior concurrence of the standing committee having primary responsibility. This portion delimits the authority of the Finance Committee in relation to the subject matter committee.

I further call your attention to Rule 11.7, on page 11, concerning the Committee on Finance: Special Responsibility, with particular reference to the last sentence of sub-section (2) on standing committee recommendations.

Finally, Mr. Speaker, I call your attention to Rule 14, on page 14, on Conference Committees - all four sub-sections, with particular reference to 14.3, on the participation by invitation of the primary committee chairperson in Finance Committee conference.

With these in mind, Mr. Speaker, my point of order is as follows: that the presentation to the Finance Conference Committee of a change in the House Higher Education position on West Oahu College was given without prior concurrence of the House Higher Education Committee; that what amounted to ratification of this change was given after the matter was, for all intents and purposes, decided by the Finance Conference Committee, based on the non-concurring presentation to it; that the timing and context of the meeting to give ratification was thus a clear violation of the letter and intent of the House rules."

The Chair then stated:

"Chair rules that there is no violation for the following reasons:

Under Rule 11.6, it is stated that the committee with primary responsibility for the bill will have prior concurrence when that bill on the subject matter has been referred to Finance.

Sub-section 11.7 specifically states that the Committee on Finance shall have primary responsibility over the budget.

Furthermore, in Rule 14.3 it is stated that the chairperson of the Finance Committee shall be designated the chairperson of the conference committee on the budget. He shall invite the participation of the primary committee chairperson of the standing committee responsible for the program area to which the appropriation relates. Under the strict construction of the rule, the chairperson of the Finance Committee need not have had concurrence from the chairperson of the other committee or program area; however, Chairman Suwa has extended, in the spirit of prior concurrence, this prerogative to the chairman of the particular committee and his committee.

It is my understanding that the matter that you have referred to regarding the West Oahu College, the Finance Committee tentatively agreed with the Senate regarding the West Oahu College matter, and that matter was communicated to the chairman of the Higher Education Committee, and thereupon the committee met, and thereupon the matter was voted on to concur with the Finance Committee. Therefore, there was no rule violated."

Representative Abercrombie then stated:

"Mr. Speaker, for purposes of clarification in my mind, may I take it then from your ruling, that consultation with the chairperson - and I believe you said the chairperson in his committee - may I take it then that consultation with the chairperson, if the Finance Committee Conference chairman so desires, shall constitute prior concurrence with the standing committee by the standing committee chairperson?"

The Chair then asked:

"Will you state the question again?"

Representative Abercrombie replied:

"Yes, I will. May I preface it by saying that I am not questioning at all the authority of the Finance Committee Conference chairman. What I'm asking is, may I take it from your ruling then that should the Conference Finance Committee chairman invite the participation or consult with the subject matter standing committee chairperson? I believe you said that the chairperson and his committee was the reference."

The Chair replied:

"That is correct."

At 9:16 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:17 o'clock p.m.

Representative Abercrombie then stated:

"May I take it that when you make that reference to the chairperson in his committee, that it will suffice as far as the rules are concerned for the chairperson to give a presentation as to the standing committee's position to the chairperson of the Conference Finance Committee, without prior concurrence with the rest of his or her committee?"

The Chair replied:

"Under the rules, that is correct."

Representative Abercrombie then stated:

"Thank you. I appeal the rule of the Chair and ask for a roll call."

The Chair then stated:

"There has been a motion; lack of a second, the motion is denied."

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

"I want it entered into the record that my objection was not to gag anybody, but my objection was that the Speaker cannot suspend the rules for the House."

Representative Suwa then rose

to speak in favor of the bill, stating:

"Mr. Speaker, it is your House budget. It reflects your House program. I think we have had much discussion in committees and also in the caucuses; therefore, I will not attempt to delay. But, I would like to just say that this is the entire House members' participation. It is the work of the entire House members' staffs. Therefore, I urge all members of the House to vote in favor of the budget."

Representative Poepoe then rose and asked:

"Will the Chairman of Finance yield to questions?"

Representative Suwa replied:

"Yes, I will."

Representative Poepoe then asked:

"Mr. Speaker, this Committee Report does not contain a revenue projection and does not show us the balance for the current fiscal year and the ensuing biennium. May I request that he state for the record and into the Journal the balances - bottom line sheet of the data, please?"

Representative Suwa then replied:

"Yes, Mr. Speaker. As to the Conference estimate for the balance of the year for 1974-75, there will be a surplus of \$66 million; and having to utilize the administration's revenue projection of 12.5%, 9.9% and 9.6% in 1975-76, with the House program and the addition of the Senate program, we anticipate a surplus of \$9.3 million; and the end of June 30, 1977, will be \$1,400,600 surplus."

Representative Poepoe then asked:

"That's \$66 million at the end of this current fiscal year and approximately \$2 million at the end of the biennium, Mr. Speaker?"

Representative Suwa replied:

"That is right."

Representative Poepoe then rose to speak in favor of the bill, stating:

"Mr. Speaker, I'd like to congratulate the Chairman of Finance and all of the members of the Finance for a job very well done. In a document

of this size, of course, we can find some objections and some support to the various programs. However, on balance, I believe that we should all support this bill.

Mr. Speaker, in previous years, I've challenged the administration as to their expenditures and revenue forecasts. I find that the Finance Chairman's forecast this year far improved and in line with what I've talked about in prior years. I've also proposed for this body that we should consider tax rebate measures - because when you have large surpluses in the neighborhood of \$60 million, that money should go back to the people.

As I've stated, in the Legislature, the government is not a profit-making body and neither is it a bank. Therefore, all surpluses should go back to the people. I will urge that we consider such action next year.

Thank you."

Representative Ajifu then rose and stated:

"I rise to speak in favor of S.B. No. 535, HD 1, CD 1.

I believe the State operating budget is a good budget which stays well within the projected resources for the upcoming fiscal biennium. This is vital to maintain the fiscal integrity of the State of Hawaii. It provides the necessary funds to continue our programs and services to the people, while eliminating the excess fat.

This budget, Mr. Speaker, also funds many new programs in areas such as education, health, the elderly and public assistance. However, Mr. Speaker, there is one objection I must raise - that the House draft of the budget deleted operating funds for the West Oahu College, and instead, appropriated \$100,000 to study the need for such a campus; the Conference draft re-inserted \$2.2 million of operating funds for West Oahu College. I believe it is premature to appropriate these funds without really knowing whether we need another major college campus on Oahu.

Nonetheless, this budget document is the end result of many hours

and weeks of labor by the Committee and staff, and I support its passage. Therefore, I urge all members of this House to vote in favor of S.B. No. 535, HD 1, CD 1.

Thank you, Mr. Speaker."

Representative Naito then rose to speak in favor of the bill, stating:

"Mr. Speaker, earlier this evening, this honorable body passed a resolution honoring the freshman legislators, which I'm sure was very much appreciated.

Mr. Speaker, as one of those freshman legislators, I can now only express my tremendous appreciation to the Finance Committee, its staff and its chairman, in preparing the document we have before us. To have handled this massive amount of information, to have diligently sort it out, and then to have intelligently and sensitively weighed the priorities, finally to arrive at this end result, this form of this bill.

Mr. Speaker, as a freshman legislator, it is one of the most impressive actions I have seen during this legislative session.

Mr. Speaker, I examined this final document and appreciate the labors of my colleagues and I feel very proud to be a member of this honorable body.

Thank you."

Representative Takamura then rose and stated:

"Mr. Speaker, I rise to speak in favor of S.B. 535, HD 1, CD 1, relating to the State budget for the 1975-77 biennium. This bill provides appropriations for needed programs in areas such as social welfare, lower education, higher education and services for the elderly. However, although I am in accord with the major provisions of S.B. 535, I cannot support the funding request for the initial operations of the West Oahu College.

Your Committee on Higher Education, of which I am vice-chairman, spent many hours scrutinizing the concept of a 'second campus'; we listened to numerous testimony for and against a West Oahu College and conducted lengthy discussions on the need for another four-year institution of higher learning. During this careful investigation,

your Committee found a history of abrupt major educational policy shifts which raised many doubts about the purpose and educational nature of the proposed institution. It became clear that several significant questions regarding West Oahu College remained unanswered; questions that have far-reaching implications for the people of this State. For example:

What is the statewide need for a small liberal arts college, particularly in view of the proposed \$40 million plus price tag that has been discussed in relation to the completion of the college?

How functional is a strictly upper division operation that is located away from libraries, book stores, language laboratories, food services, student employment opportunities, recreational facilities, and other support resources?

How sound are educational plans that change 20,000 'second Manoa campus' to a 200-300 student small liberal arts college within a short period of time?

Is the present plan for West Oahu College based on a policy of educational need or a policy of land development?

And, finally, will the presently planned West Oahu College really serve the people of West Oahu?

These are just a few of the unanswered questions that have raised serious doubts as to whether the plans under consideration will really meet the existing and future needs of the people of both West Oahu and the State. A college that is not based on sound educational planning can only be, in the long run, detrimental to its students and the community.

The feasibility study, which was supported by your House Committee on Higher Education, presented a sensible and justifiable means for determining the long-term implications of establishing the college. This feasibility study is not reflected in the budget before you.

Senate Bill 535 provides funding for the establishment of an abridged version of the college in January, 1976. The University has yet to present specific program and CIP plans for the present version

of the college, and the Legislature would be committing itself to an unknown entity. Are we of the Legislature being fiscally responsible in the establishment of a project of undetermined value and questionable implications?

Mr. Speaker, honorable colleagues, I will vote in favor of S.B. No. 535, HD 1, CD 1, but I voice grave reservations on the provisions funding the establishment of the West Oahu College."

Representative Carroll then rose and stated:

"It's a historical first for me to be recognized before the other Representatives. Thank you.

I rise to speak in favor of S.B. No. 535, HD 1, CD 1, and I would like the record to reflect that I concur with the remarks of Representative Ajifu and Representative Takamura. And, in concurrence with that, will still vote for this bill.

Thank you."

Representative Medeiros then rose and stated:

"I rise to speak in favor of S.B. No. 535, HD 1, CD 1.

In doing so, Mr. Speaker, I would like to congratulate the Chairman of the Finance Committee and its members, and thank this honorable body, as well as the Senate, for funding of \$200,000 to continue the school security patrol program that has proven to be a very successful one. Because of this funding, Mr. Speaker, this program will now be extended to the outside counties as well. And this, Mr. Speaker, makes me very delighted, and all those who are involved with our educational system. Thank you, again, honorable body."

Representative Cayetano then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but with reservations which I want to voice.

Mr. Speaker, I recognize that none of us will be completely happy about a budget bill; however, I feel compelled to speak on an item in this budget which I believe is too important to remain silent on. I speak about the appropriations and provisions in this budget for the West Oahu College.

Mr. Speaker, at the beginning of this session, there were many of us who believed that West Oahu College is a costly white elephant which cannot be justified educationally; that West Oahu College would help to create unwanted urban sprawl and destruction of valuable agricultural land and life style in Leeward and Central Oahu. Because of this belief, a number of us tried to take steps to see if West Oahu College was justified.

Of course, Mr. Speaker, there were others in this House who disagreed with us and a potentially bitter dispute broke out over this issue. However, the peacemaker stepped in and soon an agreement was reached. That agreement, Mr. Speaker, to which I entered into in good faith, called for the House to take a budget position which would call for a study by an independent consultant of the feasibility of a campus which would postpone the opening day of the college and delete the operating funds for the budget.

That, Mr. Speaker, was the budget position. Obviously, the House did not get its way because none of those provisions are in the budget.

Mr. Speaker, the relative ease with which the House capitulated on the West Oahu College can only be explained by those charged with the responsibility of negotiations.

As one of two Leeward representatives, who stuck his neck out on this matter because I thought it was my duty to do so, I find the explanations discomfoting.

West Oahu College, Mr. Speaker, cannot be justified by the information we have available. Other speakers have spoken about the educational aspects. I will not belabor that point. However, I direct the attention of this body to the issue of our State administration's policy of slow growth which, in my opinion, directly conflicts with the establishment of West Oahu College.

Mr. Speaker, the State of Hawaii is proposing a selected growth plan, and a proposal for West Oahu College certainly raises some interesting questions. The Department of Planning and Economic Development has developed internal policy memorandums which indicate

that the proposed college is in contradiction with the selected growth plan.

My readings of those memorandums indicate that there is no question, in the DPED's opinion, that West Oahu College will promote undesirable urban sprawl in the Leeward area. Mr. Speaker, how can we proceed without being able to resolve this contradiction?

Further, the DPED has again recommended, and I quote from one of their memorandums 'no further urban encroachment on agricultural lands in Central Oahu beyond the present urban land use districts should be allowed at this time'. Mr. Speaker, I ask how will the proposed college affect our agricultural lands?

Finally, Mr. Speaker, echoing the concerns expressed by others, will the proposed college meet and serve our educational needs?

Without answers to these questions, we should not proceed; however, it appears that we will proceed. I am glad the Governor is here today, Mr. Speaker, because I hope that he, who proposed the selected growth policy plan, will take a close look at the issue of West Oahu College and how it conflicts with his plan. And, I hope, Mr. Speaker, that the Governor will exercise leadership in delaying West Oahu College until these unanswered questions are answered.

Thank you."

Representative Roehrig then rose and stated:

"Mr. Speaker, I would just like to ask that if there is no objection, that the remarks I made when we passed the House version of the budget, be re-included in the House Journal and just refer to it as the conference draft at this point, rather than to reiterate things I said, because I notice that the standing committee report on the conference draft and the budget provisos, as it relates to judiciary and the corrections program, over which the Judiciary has primary responsibility, are identical. Thank you."

There being no objection, the remarks of Representative Roehrig are hereby inserted as follows:

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

Mr. Speaker, this bill contains, as far as the Judiciary area is concerned, this year's efforts of trying to improve upon and upgrade our corrections system in the State of Hawaii. The provisos in the bill and the language in the committee report reflect hundreds of hours of work of the Judiciary Committee and other members of the House who have taken time, because of their concerns about the corrections problems in the State, to come to grips with some of the areas that have long needed attention. Approximately the first third of this session was spent by your Judiciary Committee and other interested House members making a tour of most of the facilities in the State that bear on the correction and rehabilitation of criminal offenders in this State.

This bill provides for several hundred thousand dollars increase in the operating budget for our corrections programs. The Committee has placed emphasis on the Youth Correctional Facility. There's much concern being raised by members of the Committee and other interested members of the House, and some minority members from that area, regarding the kind of programs we are going to have for our youthful offenders and persons in need of supervision. We provided the wherewithal to start a pre-release program to get the farm program going again; sewing instructors for the girls; carpentry instructors for the boys; just to name a few of the areas of your Committee's concern.

At Oahu Prison, we spent much time trying to come to grips with ways to improve our correctional industry program. We also spent much time looking into the areas such as the rules, administrative, health problems, educational opportunities of Hoomanu School, the conditional release centers, the adult honor camps, the Parole Board functions - we went the gamut. And as a result of these efforts, Mr. Speaker, it is very gratifying to see that the Finance Committee, in their wisdom, included all of our areas of concern in the House budget.

I think it is a good bill. It does address a corrections problem. We haven't solved all the problems in the corrections area, but we

have pretty well flagged out the areas that need further attention, and for this reason, Mr. Speaker, I would urge all members to please vote for the measure. Thank you."

Representative Kawakami then rose and stated:

"Mr. Speaker, I would like to make one correction to the statement made by the Representative from the Leeward District. The report that he made reference to, as far as the slow growth, was developed by Dr. Shelley Mark in the last administration, and I don't think the present Governor had anything to do with that particular report."

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak in favor of S.B. 535, HD 1, CD 1.

I believe that the people of this State will greatly benefit from this budget. It is a people's budget, including programs on education, transportation, public assistance, public safety, housing, health and many others.

As minority spokesman on your Committee on Health, I am particularly pleased with the budget for health services. The school health services program is to be expanded incrementally to all of Hawaii's public schools, and health aides and school nurses are to be provided initially to all of Hawaii's elementary schools and ultimately to every public school in the State. It is also legislative intent, that the free immunization program and the child health conferences program of the Department of Health be administered without any 'means' qualification.

The budget has also allowed for further studies to determine the future of Kalaupapa Settlement and its residents. Residents will be able to voice their concerns at public hearings to be held at the Settlement. I am strongly in favor of such positive action favoring the people of Kalaupapa. They have contributed much to Hawaii's history.

There is also great concern to upgrade and improve mental health care and care for the developmentally disabled throughout the State. The Legislature is proceeding, through this budget, to provide additional funds for these most significant programs.

There are many other valuable programs in this budget and they are all aimed at helping the people of our State.

I strongly support the passage of S.B. No. 535, HD 1, CD 1, and I urge the members of this honorable body to join with me in supporting this bill for the people of Hawaii.

Thank you, Mr. Speaker."

Representative Sutton then rose to speak against the bill, stating:

"Mr. Speaker, I am very glad that my neighbor and my constituent, and I represent him, he lives in my area, the Governor, is here, because I want him to hear what I'm going to say.

May I first address your attention, Mr. Speaker, to page 11. Funds have been appropriated for implementation of the third and fourth year, West Oahu College. Mr. Speaker, I believe in higher education, but I also believe in excellence of education. We have an excellent university at the University of Hawaii campus in Manoa. It is going to cost us a great deal more money with the raises that have been given the professors. Excellence is something that we must achieve for our children. But if we try to establish another college at West Oahu, which this budget has in it, we will dilute that.

Mr. Speaker, if we turn to page 98, we see funding for three studies of studies. This, I feel, is totally unnecessary.

Mr. Speaker, if we turn to page 59 of the budget, we will see three things that have been added since the last conference - a full-time public utilities commission, a tourist coordinator and an agricultural coordinator. All three of these will cost well in excess of a half million dollars. These are not defined by any statute and we, the Legislature, are abdicating our function by funding, in a budget, jobs which have not been defined by us.

Mr. Speaker, may I address your attention to the CIP. We have now a debt of \$1 billion. We have an excess debt margin established by the formula that I helped to write at the State

Constitutional Convention in 1969. And that \$200 million of CIP is now being used in this budget, so we will only have \$30 million. The debt service for this budget will rise to approximately \$70 million.

Mr. Speaker, in the United States of America, they are suffering the worst recession in the history of the country since the great depression.

Mr. Speaker, they have, here in the Hawaiian Islands, shut down Fort Shafter and closed down one-half of Hickam Field; and the military dollar is an important thing in our budget.

I see that the revenues are projected on a growth basis of 12.5% annually; and this is compounded. Therefore, Mr. Speaker, we are projecting beyond what statistically is relevant because we are taking a curve and projecting on the basis of 12.5% on a weighted average that does not have the proper mean. We are, therefore, in a position where we are just guessing what our revenues are going to be.

We have heard Mr. Poepoe ask the question, what will be the balance? The Chairman of the Committee, my very good friend, Representative Suwa, has answered that there will be a surplus. But, he is basing it on a projection that is not valid, statistically. No statistician can project a trend beyond that first year, and yet we are making a budget, Mr. Speaker, for two years, not one year.

This constitutes a budget of \$1.5 billion, when we add in the additional things that have to be funded by other bills that were not included in this. Therefore, Mr. Speaker, when we are talking of \$1.5 billion, I feel that we should have a roll call.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 535, and in doing so, with a degree of reluctance that's been expressed by some other speakers, relative to the question of West Oahu College; for, in effect, that amounts to another piggy-backing technique, or perhaps, another pig in the poke.

We had, what I thought, was an

agreement of reason in this House. An agreement that there would be an in-depth interim study of the question of West Oahu College, and a recommendation to the next session of the Eighth Legislature in 1976. With that agreement of reason was submerged, by a process of unreason in the conference committee, and the choices presented -- take the budget with West Oahu College or no budget at all. Now, that's one heck of a choice.

It was only after that the relevant subject matter committee of the House reconsidered its action relative to the question of the interim study. Perhaps, Mr. Speaker, there would have been a majority of House members against the question of West Oahu College, but we shall never know. At least we shall not know this year because that kind of a separate choice has not been presented to us.

Yet, in view of the remarks of some of the other speakers of the very good work conducted by the Finance Committee and its Chairman, perhaps it is not worth voting down this budget simply because of one pig in the poke.

Thank you."

Upon request by Representative Yuen, the following is inserted for the record:

"Mr. Speaker, I wish to speak in favor of S.B. 535 as it relates to education. Today, we live in a world of change where man's faculty for learning has assumed an immense new scope and power. We are graduating from earthly to universal dimensions; and as we progress toward the future, it is our intention that our educational system adapt to the newly evolved goals and challenges of living. This budget was prepared with two main objectives in mind: first, to efficiently meet the needs of the educational system--as brought to our attention by the parents, teachers, students, administrators, and public citizens who took the time to meet with Committee members and express their concerns; and second, to achieve a financial plan which would reflect the desires of our contemporary society while providing an avenue for the development

of futuristic attitudes in learning.

A strong educational system, providing ready access for all to high quality public schools is essential in our democratic society. This budget therefore includes funds for: alternative schools; improvements in special education; additional materials and teachers for HEP; more art, music, and PE specialists; the development of a new testing program; better counseling services; additional district diagnostic teams; a gifted student program; an improved girls' sports program; and much more. Together these programs form the basis of a comprehensive education package and represent many hours of legislative deliberations--the first step in building a viable educational system for the future.

Many of us on the Education Committee were not trained in educational theory nor were we skilled in educational methods, but with the strong commitment we all felt toward improving the system, and with the use of our own faculties, we did our best. I feel that we approached the area of education with open minds, a desire to understand, and a hope to devise a system which could view the education of our children in an innovative manner. While many of the bills and resolutions which we introduced never saw the light of day, they represent ideas that we will undoubtedly be considering as we view the means for learning in new ways.

I do not stand here as advocate for any partisan cause, for the issues in education are fundamental and reach quite beyond the realm of partisan consideration. The final education package represents a blending of many ideas from all Education Committee members and other Representatives and Senators as well. In my judgment, this budget meets our State needs within a responsible fiscal framework, and I recommend its passage in full confidence that it provides for the most pressing educational needs in Hawaii today."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 535, HD 1, CD 1, having been read throughout, passed Final Reading by a roll call vote of 49 ayes to 2 noes, with Representatives Abercrombie and Sutton voting no.

At 9:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:46 o'clock p.m., the Vice-Speaker assumed the rostrum.

Conf. Com. Rep. No. 29 on S.B. No. 1732, SD 1, HD 1, CD 1 (Deferred from April 10, 1975):

Representative Sakima moved that the report of the Committee be adopted and that S.B. No. 1732, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Abercrombie then rose to speak against the bill, stating:

"Mr. Speaker, last May 22, 1974, in answer to a question from United States Congressman Slack, Mr. Kleinjans, Chancellor of the East West Center, answered the following question: 'Is \$8.1 million for construction of the new building to be the total cost of that building?' Mr. Kleinjans' reply, as indicated in the Congressional record is, 'Yes, sir'.

In order to further strengthen the national identity of the Center and enhance its capacity for partnership internationally, the Center, the Department and the Center's National Review Board, the Board of Regents and the administration of the University of Hawaii have jointly established a committee to examine the feasibility of establishing in Hawaii an independent and public educational corporation, apart from the University of Hawaii - and I want to put special emphasis, Mr. Vice-Speaker, to operate the East West Center on behalf of the Department. The most ominous note in this analysis that I'm making is struck by the Chancellor of the East West Center in the last phrase quoted above, 'on behalf of the Department, the Department of State'.

I submit this whole scheme is nothing more than a veneer to gloss over the reality that the actual running of the Center will be by the State Department; the rest, the Board of Regents, the University of Hawaii administration, etc., as referred to in State Department testimony, is window dressing -

strictly on the surface. The Governor and the Board will have no more control of the actions of this corporation than it would have over the movement of the U.S. military forces on the high seas.

I submit that the State Department cannot risk going openly to the Congress with this proposal. Its obvious dangers would come under national scrutiny. Better to end-run it out in Hawaii and present it as the desire of Hawaii in Washington. The foreign policy of the State Department is collapsing in Asia. What better long range plan then to have an operating institution completely self-controlled in Hawaii in the guise of an educational enterprise?

I submit that we are caught in a give-away of 21.6 acres worth millions of dollars to Hawaii's tax payers when the basis of that commitment no longer exists.

I submit that we are in a give-away of \$8.5 million in building costs, when the basis for that commitment no longer exists. I submit that the buildings exchanged involved in this give-away is a fraud. These buildings are available to Center participants as they are to the residents of Hawaii.

I submit that statements about federal funding of buildings and justification of incorporation is a complete sham. Every building, let alone any project undertaken with federal funds, has a State component of partnership. Anything else is blackmail, plain and simple.

I submit that incorporation is unprecedented in the United States and for good reason. Its employees will be neither federal nor State in definition. It would be on the University of Hawaii campus, but not of it. It would create a situation where employees of the State could leave its employ and still retain retirement funds and access benefits while possibly drawing a 15 percent hardship cost of living raise.

What are the collective bargaining long range financial and other legal implications of this?

I submit that testimony indicates that pressure for incorporation comes from elements in foreign nations who wish to deal directly with the State Department, by-passing the University monitoring procedures.

I submit that the East, in East West Center, extends all the way to Iran. I want to repeat, Mr. Vice-Speaker, that the East, by definition of the East West Center, extends all the way to Iran. This corporation may fund itself from private sources. What is to prevent the establishment of a so-called foreign service school or an institute backed by oil profits geared to training fascist bureaucrats that the State Department is so fond of calling allies?

We have allowed, far too long, Mr. Vice-Speaker, others to dictate policy to us, with tragic consequences now all too apparent in Asia. Yet, some of these same nations now wish to push us into incorporation for the same reasons which have led us down a bloody path in Asia for the past 20 years.

I submit, only the Congress has the right in the obligation to alter the present arrangement. Why is the executive level of the federal government in the State Department trying to push the new agreements through a State legislative level? This incorporation should be a policy decision of the Congress that created the Center in the first place. The State Department was only a funding mechanism.

Let the question be settled in the light of a national forum. Do not the taxes of all the citizens of the United States pay for this Center?

I submit we in Hawaii are being asked to continue to foot the bills in our budget for University of Hawaii for Center participants, while being asked to give away, completely, any control over its operations.

In 1966, Mr. Vice-Speaker, Harry C. McPherson, Assistant Secretary of State for Education and Cultural Affairs, made the following statement, 'in respective reply to Congressman Andrews: Mr. Andrews, Mr. Secretary, you mentioned that you operate this facility on a non-profit/no loss basis? What is your explanation of a no profit/no loss operation?' And, Mr. McPherson from the State Department answered: 'There is no profit and no loss to the University of Hawaii over a period of time. It means that

the University of Hawaii will not make a profit' - and, I emphasize, Mr. Vice-Speaker, 'or suffer a loss from the East West Center being there'.

I submit that guarantee is about to go down the State Department drain. In some, Mr. Vice-Speaker, the people of Hawaii are being treated like suckers; being taken for suckers in a scheme created by the unlamented ex-president of the University, Harlan Cleveland, and his State Department cronies. This incorporation is a scheme; nothing but a political hustle; a con game where Hawaii pays the bill in the millions."

Representative Sakima then rose and stated:

"Mr. Speaker, I'm speaking in behalf of the bill.

I don't want to be a pessimist like the previous speaker. I want to be more optimistic. We debated this bill when HD 1 came about, but I just wanted to put in the record that I want to thank the conference committee members of both houses because we spent seven straight hours on this one night and we got through at 2:30 and this draft came out. I think this is a good draft for the State as well as the State Department. Thank you."

Representative Kunimura then rose to speak in favor of the bill, stating:

"Most of the statements made by the opponent of the passage of this bill would be correct if it was the Senate bill in the Senate draft. But, the House has worked on it and, in the spirit of bi-partisan cooperation and also in the spirit of bi-partisan cooperation in the conference committee and the House of Representatives, Mr. Speaker, I say I'm very proud that many of the safeguards were put in the bill.

This bill, Mr. Speaker, has more than what the State Department would have bought. This bill, Mr. Speaker, is not what the State Department wants, but they're going to have to accept this bill because this is the will of the Legislature of the State of Hawaii and there is no give-away. Because what was alluded to as to the land and the \$8.4 million are agreements that were made by the State of Hawaii

and the United States of America. And, this Legislature or no Legislature in the United States can break any agreement that was made. And, we are honoring the agreement because Hawaii honors all agreements that we made voluntarily.

So, Mr. Speaker, I urge all members of this House to vote in favor of this bill."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to a point of information for the purpose of entering into the Journal one question, if the Chairman of Higher Education would yield."

Representative Sakima replied:

"I yield."

Representative Cobb then asked:

"Mr. Speaker, must the East West Center corporation follow the laws of Hawaii as it relates to non-profit corporations?"

Representative Sakima replied:

"Mr. Speaker, the answer to that question is 'yes'."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of S.B. No. 1732, SD 1, HD 1, CD 1, just to a very short substance that is not particularly clearly laid out herein, and that is the basic fact that there was a legal snafu - what in effect amounted to a windfall for the people of the State of Hawaii when the investment was made by the U.S. government.

And, now, we are at this juncture, getting ready to rectify and honor certain agreements which I think, from a legal point of view, would not necessarily have to be treated this way; and I realize I'm entering into this at a very late date; and I respect the work and efforts that have been done, that have been made by the Committee.

But, I would like the Journal to reflect that if I were the trustee in this particular case, and this type of arrangement was made, I would not enter into it.

I believe that there are enough

safeguards built into this particular conference draft to allay fears which I had not previously expressed. With that, I urge we vote for the bill.

Thank you."

Representative Kunimura then rose and stated:

"I would like to make one correction as to the Chairman of the Higher Education Committee's answer to Representative Cobb.

This bill goes beyond the law that governs non-profit corporations within the State. It has more safeguards than the laws that govern our non-profit corporations."

Representative Abercrombie then rose and stated:

"Mr. Vice-Speaker, I would not like to leave in the air the implication that my commentary had to do with the breaking of agreements or not honoring agreements. Quite the contrary - it's the State Department that is breaking the agreement; it's the State Department that's not honoring the agreement; it's the State Department that is carrying on, in the State of Hawaii, the same kind of thing it does all over the world. It carries on agreements as it likes, when it suits its policy, and that's just exactly what's going to happen here.

I want it very clear, the honoring of the agreement during testimony by the President of the University and by Mr. Kleinjans and others, when I asked them, in the entire history of the East West Center - and I was here at its founding, Mr. Speaker. I was here when the first shovel of dirt was turned at the University of Hawaii. If, at any time, in the entire history of the East West Center, had the State of Hawaii ever renigged or ever failed or in any way, shape or form to honor the agreements that we had. And the answer was 'no, never'.

My point, and I make it once again then, for clarification, the basis of the agreement on land and money no longer exists. It has been abrogated by the State Department; therefore, we're not obligated to buy it. They have made the change, not us."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1732, SD 1, HD 1, CD 1, having been read throughout, passed Final

Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

At 10:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:01 o'clock p.m., the Speaker resumed the rostrum.

Conf. Com. Rep. No. 30 on S.B. No. 637, SD 1, HD 2, CD 1 (Deferred from April 10, 1975):

By unanimous consent, action on Conf. Com. Rep. No. 30 on S.B. No. 637, SD 1, HD 2, CD 1 was deferred to the end of the calendar.

Conf. Com. Rep. No. 31 on H.B. No. 612, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

Representative Uechi moved that the report of the Committee be adopted and that H.B. No. 612, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Sutton then rose to speak in favor of the bill, stating:

"I think it's about time that we took care of the victims of crime and worried about what happened to the victims, and I'm very pleased to see this bill coming in."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 612, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32 on H.B. No. 327, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

Representative Roehrig moved that the report of the Committee be adopted and that H.B. No. 327, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Mr. Speaker, very shortly, speaking in favor of this, I would like to thank the members of

the House, Judiciary Committee members, especially the conferees, who were on this bill. The conference was quite long and quite heated, and the final product that we have here - some 46 pages - relating to substantive changes and refinements of our important campaign spending law, is a decent product, and I think that it does credit to the Legislature. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 327, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33 on H.B. No. 999, HD 1, SD 2, CD 1 (Deferred from April 10, 1975):

Representative Segawa moved that the report of the Committee be adopted and that H.B. No. 999, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Stanley.

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. 999, HD 1, SD 2, CD 1, relating to health planning.

First of all, I wish to thank the members of the conference committee and Representatives Takamine, Stanley, Naito, Santos and Evans for their very strong support for this bill; for without their support, this bill would have died in conference.

The passage of this bill will mark the beginning of a positive approach to health care planning. This measure came as a result of the enactment of the National Health Planning and Resources Development Act of 1974 which provides a new planning-oriented approach to health care services and facilities. House Bill 999 is the State's counterpart to the national act. It will ensure a more equitable distribution of health care personnel and facilities. It will provide a more effective means of health care delivery which should ultimately control the rising cost of health care. And, finally, it will enable the State to take advantage of new federal funds available under the federal act.

House Bill 999 would augment statewide and areawide health planning efforts by establishing a policy

framework for review, coordination and implementation of health planning activities in the State. In addition, it provides an opportunity for consumers and providers of health care to participate in statewide health planning.

Mr. Speaker, this Legislature has long been recognized as the advocates for the importance of health care and the need for effective delivery of services. House Bill 999, HD 1, SD 2, CD 1 is the realization of this commitment. I, therefore, ask all members of this honorable body to vote aye on this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 999, HD 1, SD 2, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 34 on H.B. No. 126, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

Representative Roehrig moved that the report of the Committee be adopted and that H.B. No. 126, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Yamada.

Representative Roehrig then rose and stated:

"Mr. Speaker, a few brief remarks in favor of this measure.

This is the bill relating to sunshine - it provides that open meetings shall be the rule of law in the State of Hawaii as regards all public boards and commissions, county and State as well, with the exception of those exercising some quasijudicial function.

This bill is a product of all 51 members of the House, and the Senators as well. It is part of your majority program for this biennium. And, if the Chair will recall, he said in our program that we will pass a sunshine bill which was pretty strong language for a program.

I think that the bill that we have before us tonight is a stringent open meeting bill that meets the demands and the concerns of the general public regarding the decision-making process. I

think that it will be a foundation for other states throughout the country as the years go by. I think this bill does credit to this Legislature.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I rise to speak in favor of what has become known as the sunshine bill.

For several years now, the House members of this side of the aisle have been lobbying for this sunshine legislation. I, for one, have long supported the concept of open government. Last year, I introduced a resolution requesting an independent audit of the House's 1973 expenditures. The resolution was introduced and adopted in the spirit. . ."

The Chair stated:

"Representative Ajifu, will you confine your comments to the merits or demerits of the bill and not any resolutions that was talked about or introduced last session. Proceed."

Representative Ajifu continued:

"Yes, Mr. Speaker, I will.

This sunshine legislation, which will now place on the books for our State, the process of government open to the scrutiny of the public.

Mr. Speaker, I can recall some of the discussions when it was first proposed to open conference committees to the public. Many of the members laughed about the idea then, but now, it has become a reality and we've all realized that it really isn't that difficult. Government decision-making before the public will mean that everyone will have equal opportunity to become involved in the process.

This bill, Mr. Speaker, is an extremely noteworthy accomplishment and I would like to commend the members of this body for making sunshine a reality in Hawaii.

Thank you."

Representative Poepoe then rose and stated:

"Mr. Speaker, I have some remarks in favor of the sunshine legislation. We, on this side of the aisle, have been working on it for four years.

I'd like it filed in the Journal, please?"

The Chair, noting that there were no objections, so ordered. Representative Poepoe's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 126, House Draft 1, Conference Draft 1.

For about five years, Mr. Speaker, those of us sitting on this side of the aisle have been working for the passage of legislation such as the one before us today - to open meetings of State and County bodies to the people of this State.

We are elated to see our hopes so close to realization in HB 126 in its present conference draft - though we are somewhat disappointed that it has taken so many sessions and so many dead bills to come this close.

Mr. Speaker, as we have pointed out on many occasions in the past, government decision-making has always been a closed-door process, in which a relative small number of people have been able to exert inordinate influence on issues affecting all of Hawaii's people.

We cannot and must not allow this to go on.

Democracy cannot survive for very long in darkness. There is no room for secrecy in our form of government. The people have the right to know what their public servants are doing behind the closed doors.

This, Mr. Speaker, is the reason the Republican members of this honorable body have been pressing for legislation to open the mechanics of government to public scrutiny.

House Bill 126 will accomplish several of our goals in the area of government reform. It requires that government meetings with few exceptions be open to the public, that adequate notices be given, and that the minutes be made readily available to the public.

The bill also expands the definition of 'public records' to enable citizens to examine governmental documents and other printed matter previously unavailable to them.

Passage of this measure will be among the most noteworthy accomplishments of this legislative session and we feel this sunshine will mark the dawning of a new era in which we will strive to perfect our form of government here in Hawaii."

Representative Kunimura then rose to speak in favor of the bill, stating:

"I'd like it entered into the Journal that laws are only as good as the people the law that govern the people make it so.

And, I would like to serve warning to all public agencies, that if they should decide to circumvent or go around the law by having informal meetings in coffee shops or back rooms, that this Legislature will be very severe and we shall put further restrictions and maybe criminal sanctions upon circumvention."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 126, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

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

The House of Representatives reconvened at 10:12 o'clock p.m.

Conf. Com. Rep. No. 35 on H.B. No. 127, HD 1, SD 1, CD 1 (Deferred from April 10, 1975):

Representative Roehrig moved that the report of the Committee be adopted and that H.B. No. 127, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kondo.

Representative Roehrig then rose and stated:

"Very shortly, I would like to speak in favor of this bill and state that this conference draft is a result of very intensive conference committee between the House and the Senate.

Your House conferees that worked with me on this are to be congratulated for their endurance - not getting very much sleep in the twenty-four hours that we more or less worked on this matter.

It is unlike any other bill, but

it is like a lot of other bills in that it represents the best features of the proposals before the Legislature and reflects the concerns of the cross-section of people who do their business with the Legislature and the various State agencies.

Again, this is part of your majority program wherein we said that we would pass a lobbyist registration bill for the biennium. I urge members to vote in favor of it.

Thank you."

Representative Poepoe then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. I have remarks also on this, Mr. Speaker, I'd like filed in the Journal. We have been working on this particular measure since 1971 - for the last four year - and we are pleased that a measure has finally passed."

The Chair, noting that there were no objections, so ordered. Representative Poepoe's remarks are as follows:

"Mr. Speaker, I am sure that every member of this honorable body will agree that lobbyists serve a very valuable purpose in the democratic process; and that it is not the intent of House Bill 127, HD 1, SD 1, CD 1 to hamper their legitimate efforts in any manner.

For most elected officials, lobbyists are a very familiar sight. We usually know who they are, who they represent, and why they want to see us.

And most of us, if not all of us, look forward to hearing their views on the various issues.

However, Mr. Speaker, since lobbyists do influence decisions affecting everyone in the State, the public also should know who these participants in the process are and who they represent. This is a major purpose of this bill.

Mr. Speaker, H.B. 127, HD 1, SD 1, CD 1, would require lobbyists to register and identify the groups they represent. They would also be compelled to file financial disclosures to help prevent the use of improper methods to

influence decision-making.

No sincere individual - whether he be a lobbyist or legislator - should have any objections to this bill.

The House Republicans have long fought for legislation such as this and we urge all members of this honorable body to vote in favor of House Bill 127, HD 1, SD 1, CD 1."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 127, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 on H.B. No. 1779, HD 2, SD 1, CD 1 (Deferred from April 10, 1975):

By unanimous consent, action on Conf. Com. Rep. No. 36 on H.B. No. 1779, HD 2, SD 1, CD 1 was deferred to the end of the calendar.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 15 (H.B. No. 1742, HD 1, SD 1, CD 1):

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted, and H.B. No. 1742, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20 (S.B. No. 1281, SD 2, HD 2, CD 1):

On motion by Representative Roehrig, seconded by Representative Suwa and carried, the report of the Committee was adopted, and S.B. No. 1281, SD 2, HD 2, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

At 10:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:16 o'clock p.m.

Conf. Com. Rep. No. 21 (S.B. No. 1645, SD 1, HD 1, CD 1):

Representative Suwa moved that the report of the Committee be adopted,

and that S.B. No. 1645, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Inaba.

Representative Akizaki then rose and stated:

"Mr. Speaker, this is a very frustrating experience for me . . . speaking on this bill knowing it will pass easily. But, I must once again voice my concern on this matter of Unit 5, Hawaii State Teacher's Association.

I sincerely believe we must re-evaluate our priorities in providing a superior public instructional system for the sake of our children. I stand before you again, not because I am against all teachers, but because I believe there is an urgent need to develop an effective evaluation system in order to recognize our dedicated, competent and effective teachers. Are we to honestly believe that quality education is a result of high salaries? Is it not a result of dedication, commitment and concern for our children? Should we not consider utilizing the training, the creativity and the eagerness of over 3,000 certified, but unemployed teachers in the State of Hawaii?

Since April 1st, when this honorable body acted on this bill, all the facts and figures I presented in my speech then remain the same. I am, therefore, unable to reverse my stand on the issue of the teachers' pay raise.

Again, my most sincere apology to those deserving individuals packaged within this bill. Unfortunately, we must act on a bill covering so large a number of individuals. However, my conscience and my personal conviction will not permit me to vote aye.

Like our late Governor John A. Burns, I strive toward providing for our children the best possible education. In his book, 'John Burns, Portrait in Transition', it is said, 'Our children are our only future. If we are to prepare for that future, we must prepare our children as best as we can. More than this, we have no greater duty. . .'

Mr. Speaker, I will vote against this conference draft. In closing, and as a reminder to those of

us who sit in this honorable body, Robert F. Kennedy said, 'Our future may lie beyond our vision, but it is not beyond our control'.

Thank you."

Representative Poepoe then rose and stated:

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

Mr. Speaker, I supported this bill on its first passage through the House because I support the collective bargaining pay package which was bargained for in good faith and brought to this Legislature for approval. I'm concerned about the salaries for cabinet officers and for judges and recognize that certain increases are necessary.

However, Mr. Speaker, I cannot support a bill which includes a pay increase for elected officials."

The Chair, at this time, stated:

"The Chair requests that the audience refrain from demonstrating; otherwise, the gallery will be cleared. Forewarning is fair warning. Representative Poepoe, continue."

Representative Poepoe continued, stating:

"Mr. Speaker, the Governor and the Lt. Governor are the highest elected positions in this State. And they were elected by the people of this State to be leaders. They were elected to lead and not to hide.

And yet, that's just what we have before us in this bill. Hidden behind a legitimately negotiated pay increase for certain government employees is a substantial salary increase for the Governor and Lt. Governor.

Mr. Speaker, I cannot support this move which was employed to circumvent the normal legislative process. I am extremely distressed that the Governor of this State, a former legislator himself, has not spoken out against the use of such a procedure. As the highest elected official in this State, I charge that, by his silence and tacit consent, he has failed to exert the moral and ethical leadership required by his office.

Should this measure be passed tonight, I call on the Governor to

veto it and to immediately call the Legislature back into special session with the express direction to concern itself only with the collective bargaining pay increases.

I stand ready to vote on any issue where the merits and demerits of the issue can be clearly defined. Elected officials must always be regarded in a special category for we have the power to enact laws. We must be accountable directly to the public and should have the courage to stand alone."

Representative Abercrombie then rose and stated:

"I rise to speak against the bill.

Mr. Speaker, I, too, voted for the bill with some reservations the first time around. My remarks are in the Journal and I stand by those remarks, and I think I made it clear at that time that should the passage of this bill, at that time, be taken as a signal to put in the salaries for the Governor and Lt. Governor, that I would take this amiss and not vote for the bill that would come over.

Mr. Speaker, the overwhelming majority of bills and resolutions which pass the House do so by healthy margins - you've seen that here this evening. The vote is as easy to make as it is to take credit for it. It is only when the political chips are down that the test of a legislator's resolve to stand by his or her principles is made. The pay bill is just such an instance.

I favor a pay bill. I do not and will not subscribe to this pay bill. I do this quite simply because I don't believe in extortion. I don't believe in the kind of political terrorism that puts a piece of paper against your head instead of a gun but has the same object in mind - do what we say or else.

I do believe in the intelligence of my constituency as voters and union members. I do believe they know perfectly well that their legitimately negotiated raises are now being held for ransom by the addition of the pay increases for high government officials, including the Governor.

It is not a question of pay raises for department heads and other

high posts. If they deserve it, the issue can be raised in a bill for them. If they deserve it, let the amount be subject to public scrutiny and decision making on the merits of such a bill. We've passed the sunshine bill here tonight, Mr. Speaker. I want to point that out. If they deserve it, let the amount be subject, I say again, to public scrutiny and decision making on the merits of the bill.

This bill checkmates collective bargaining. Why should public employees lay out hundreds of dollars in dues to protect and secure their rights as workers and then see some department head who just walked in the door get all the benefits just for breathing?

Why should union members sweat out a raise in the 8.5% range after rigorous and lengthy negotiations and then watch a parade of raises on the executive level march in to the tune of 40, 50, 70, and even 100 plus percent?

There is a clear point to be made, Mr. Speaker. If we allow this bill to pass, we will be setting up every worker in this State for an endless stream of attack and exploitation. Should this bill pass, it is the unions who will be blamed by the public-at-large. I repeat, the unions will be the victims of an outraged citizenry. The unions will be cited as the cause of the public consternation. And yet, when the bill was presented, it called only for that which every public employee had acquired by right - by right of contract. Where is the contract for the high officials and department heads? The halls of the Legislature are full of union members in the utterly ridiculous situation of begging for raises for their bosses, meritorious or not, so that they may receive what is rightfully theirs regardless of the salary of the boss.

Collective bargaining either exists or it doesn't. This bill is a farce and a sham. It makes suckers out of every worker who put his or her trust in us to carry out our duty under collective bargaining. Special interest bargaining, at the expense of the worker, constitutes this bill.

I would remind every public worker in this State of the following: who will pay these fantastic pay raises for the big guys? The answer is you and the money will come right

out of the raises you've just won. This bill steals from you at the very moment it pretends to approve what you've gained.

Someone has to stand and say - hands off what is ours. If you want yours, go out and hammer it out like we did. No free rides for the big guys.

If we genuinely desire to back the gains of public labor, defeat this bill and let the Governor call a special session where swift passage will be the result when the proper bill is presented. Let's end this extortion racket once and for all.

Thank you, Mr. Speaker."

Representative Kamalii then rose to speak against the bill, stating:

"I spoke against this bill last week, and again tonight I speak against it, feeling even more disturbed by what we are doing here this evening.

I find myself put in the position of speaking against raises for people who deserve them, and who have won them through collective bargaining and hard negotiation.

I am in this position because we have had the audacity to amend a very good bill by tacking on to it wholly unreasonable pay raises for many of our State officials.

I am disgusted with the tactics that have led to this amended bill - a bill in which labor leaders have allowed our State employee raises to be used in blackmail fashion to secure pay raises for top-level elected and appointed officials.

If we are irresponsible enough to pass this bill as amended, we had better hope the people of our State never find out how officials of some of the other states have treated similar matters. Let us hope, for instance, that the voters who elected us to these chambers never learn what's going on in Oklahoma.

That State, with a population of more than two and a half million, elected a Democrat governor who earns less than Hawaii's governor, though he represents more than twice the number of

people. Further, Oklahoma's governor has refused to accept a pay raise of \$7,500, and has persuaded other top State officials to follow his lead in giving up their legislative pay raises.

Let's hope Hawaii's people stay in the dark, too, about what's going on in the State of California - a State in which 10% of our entire nation's population is concentrated. That State, with over 20 million citizens, pays its governor \$49,100 a year. This is only 15% more than our governor makes, although California's population is twenty times that of Hawaii's.

Furthermore, the new Democrat governor of California has asked all of his incoming aides to take a 7% pay cut, and has stated that he has no thought of requesting a pay raise for himself in these hard times across the nation and the world.

If officials in other states are acting in this responsible fashion, why aren't we, Mr. Speaker? What is wrong? Why are we trying to jam down the throats of the people something which they rightly find indigestible?

One answer to these questions may be found in the words of one union leader who parades these halls as if he were God. He says, and I quote, 'The higher we push department heads' salaries and officials' salaries, the higher the demands for our people the next time'.

Collective bargaining, which I wholeheartedly support, will result in raises for our State employees. But what good are these raises if they, like other taxpayers, have to cough up additional thousands of dollars a year to pay our high level officials?

This legislation is born of arrogant disregard of the will of the people. The people who support collective bargaining surely will be repelled by legislators who support rather than asking for salary decreases, ram through increases of up to 79% at a time when the voters who elected us to these chambers are having a hard time making ends meet.

Mr. Speaker, the people of Hawaii have said no to pay raises which are not included in collective bargaining. I urge all of the members of this honorable body to do the same and vote no on this bill."

Representative Roehrig then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. It is a very important measure. This measure contains in it justifiable increases for our judges, our justices and our district court judges for the State of Hawaii. Your Judiciary Committee, which considered this matter, would have had the salaries at a higher level than this budget contains.

We seem to have a double standard when we consider what we are going to pay people in government to do the kind of job that we want. On the one hand, the public is vehement about finding ways to control the rising crime rate; the public is vehement about streamlining judicial procedures; the public is vehement about having judges provide equal justice to all in our court system in this State and throughout the United States. And then, the bill comes along to provide that mechanism, and we will hear a hue and a cry that it is unjustified because they are not in collective bargaining units. I think that's a lot of bull."

Representative Soares, on a point of order, stated:

"Mr. Speaker, I think that comments that were made regarding this bill is directed toward the collective bargaining process for those who have gone through collective bargaining. For those who have gone through collective bargaining, being piggy-backed by the bill, having the judges and the department heads raises included in it, and that have not had to bargain for it, and I don't think it's a lot of bull at all."

The Chair then directed Representative Roehrig to continue, and Representative Roehrig in so doing, stated:

"I'll stand by my remarks, Mr. Speaker. I think that the judiciary, in this form of democratic government, stands as one of the most important instruments in a free society. It stands as a means for the people in a free society to have a form for the redress of their grievances, for whatever the cause.

If we can't pay our judges and

justices a fair salary, in keeping with the fact that this State has the second highest cost of living in the entire United States, then we deserve second class justice; we deserve second class decision-making in our court system; and we deserve second class decisions by our State Supreme Court.

I would remind this body that as far as the judicial pay increases are concerned, it represents only \$1 and one-half million out of some \$70 million appropriated in this bill. Some \$66 million goes to collective bargaining. So, for those people who want this State to have the kind of judicial system that they can be proud of, I hope they would think twice about saying on the one hand that the salaries are too high but the justice is too low.

Thank you."

Representative Sutton then rose to speak against the bill, stating:

"Mr. Speaker, Abraham Lincoln said that a public official is a servant of the people. I submit that this bill, with the powers held by the executives, the various officials of the departments, and the governor himself, have revised the rule and made the public the servant.

Mr. Speaker, who pays for these raises? I'll tell you, Mr. Speaker, who does. It's the people who voted for Mr. Ariyoshi and for Mr. Sutton. They're paying this bill.

I have studied these raises from the point of view of job analysis. First of all, I made a comparison with ten states with a population comparable to the State of Hawaii - that is a million people. I find that the weighted average of all these states, for their governor, is 30% less than what the governor's salary will be with this raise, and that he is presently on a par with them.

I find that there is a great divergence also with private enterprise and that the salaries that are paid in private enterprise are 25% to 30% below these particular executive jobs which we have established.

I have heard my learned Chairman of the Judiciary Committee, whom I enjoyed serving with, speak of the judges. The judges serve in a likewise capacity. They are public officials, and they are officials that

all come under Abraham Lincoln's definition that a public official must be the servant of the people. People that dispense justice are exactly the same as what Abraham Lincoln had in mind because they have accepted the high authority to judge their human beings. And, the Bible says, 'judge not lest ye be judged'. They are doing it because they know it is their duty not to make money, sir.

Mr. Speaker, I will be of a very poor opinion in my district if I do not say to them that we have before us tonight a bill that had been conglomerated into such a plumb pudding that I cannot digest the mixture.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I rise again to speak against S.B. No. 1645, SD 1, HD 1, CD 1, and, in so doing, I have to vote against the collective bargaining measures contained in this bill. I am in full support of the collective bargaining packages, but I cannot support this bill because I question the propriety in bringing this measure before this body in piggy-back fashion.

It disturbs me, as a member of a body which has disregarded the wishes of the people of Hawaii, by presenting this amended bill for final passage. This Legislature has taken a perfectly legitimate bill and adulterated it by the inclusion of a salary increase for the Governor, Lt. Governor, the department heads and their deputies, the judiciary and other officials and employees exempt from collective bargaining.

Mr. Speaker, I fear that the action taken on this measure tonight will open the way for future Legislatures to circumvent due process. The Constitution specifically spells out the process by which legislation is to be passed into law. The tactics used in ram-rodging this bill through makes a mockery of this process.

Mr. Speaker, in closing, I would like to urge all the members of this body to vote down this measure.

Thank you, Mr. Speaker."

Representative Cobb rose to speak against the bill, stating:

"Mr. Speaker, the last time we debated this bill was on April Fool's Day, and I think that was appropriate because now we have round two of the great rip-off, and our worst fears have come true. The fears that were predicted on the very floor of this House that the highest elected officials in this State would, in fact, be included in this exact bill in conference committee. A prediction that was made six days before it actually happened.

To detail that charge and to elaborate on it, Mr. Speaker, we talked a great deal about open government. Tonight we've just passed a sunshine bill. But, unfortunately, we don't always practice it. There was no public hearing of any kind on these executive pay raises neither in committee nor was the public heard from in conference. There was simply no opportunity.

In addition, the conference committee did not follow the presentation of either house relating to executive pay raises for our highest officials, but stuck in those officials which violates the position of both houses. And if it's not illegal, it certainly borders on a fraud on the voters.

Now, Mr. Speaker, we have piggy-back, phase II, and I honestly must apologize to all of those workers who achieved hard won negotiated pay raises of 6% to 9%, for they have been piggy-backed by those who did not negotiate for raises of 19% to 79%.

Mr. Speaker, when we debated this measure on April Fool's Day, there were attempts made to separate the executive pay raises from those that were duly won through the process of collective bargaining. Those measures failed in the separation and now we have presented the almighty conference committee report. A report which must be either accepted or rejected in total and is not subject to amendment.

Mr. Speaker, this is a dangerous precedent for any collective bargaining bill and is a perversion of the entire collective bargaining process. For, in the future, any collective bargaining bill, duly negotiated and presented to the Legislature,

may then have an executive pay raise tacked on to it. This is the precedent that is being set tonight and I sincerely wonder if anyone can claim that a majority in their district favors this pay raise for executives. If not, then Mr. Speaker, I don't think we're doing our jobs as representatives, for a representative is supposed to represent his constituents and in this effect this House is saying we don't really care what the people feel about this matter of executive pay raise.

In such hard economic times, this piggy-back raise is not in order. It may sound like a voice in the wilderness, but perhaps we hope for more to speak. Mr. Speaker, the public is vehement about these raises in these hard times. I don't blame them, and I urge every member in this House to vote against this measure."

Representative Ikeda then rose to speak against the bill, stating:

"Mr. Speaker, it was not my intention to say anything on this measure tonight, but I voted for the House version of this bill because my primary concern was, and still is, that the negotiated collective bargaining contracts covered in this bill not be jeopardized. But, we all know how difficult times are and how hard it is to make ends meet. And even under present conditions, I could agree to reasonable pay raises for department heads and judges, and I had hoped that these adjustments would be made in conference.

But, the salaries reflected in this draft are far from reasonable. In some instances, they border on being exorbitant.

Mr. Speaker, enough is enough. This bill should not be passed, and I urge members of this body to vote against this measure."

Representative Garcia then rose to speak in favor of the bill, stating:

"I know many people have very strong feelings about this bill and I am pretty sure that this bill will probably be, in terms of my support of it, the most unpopular speech I've ever made on this floor.

But, Mr. Speaker, I take exception

with some of the statements made by people against this bill. For example, people have talked about ram-rodging this bill through the legislative process. This isn't so. I would be remiss in not pointing out that this decision was made in the Finance Committee. The increase for the judges were made in the Judiciary Committee after proper hearings and forwarded to the Finance Committee.

We're not ram-rodging pay raises here, Mr. Speaker. What we're trying to do is develop a financial plan so that we can come up with a pay increase for people who deserve it, not only in collective bargaining units, but also for people who work for the State.

Another point that was brought up on this floor was of the increase, percentage-wise, of these government workers. But, I would like to point out that it is misleading to interpret salary increases by percentages, for we have to bear in mind that these government workers, judges, department heads, the governor and the Lt. governor have not been the beneficiaries of increases for many years, and to take it so that we consider this percentage increase large, we have not taken into account the fact that they have not received these increases by virtue of collective bargaining, but by legislative action. These department heads, judges and elected officials do not have the benefit of collective bargaining.

Another point that I would like to bring out, Mr. Speaker, is that the State of Hawaii has a very centralized form of government, and as a result, these persons whom we select to fill the positions of various departments and agencies, play an extremely critical role in determining the policy in setting the direction for our State.

Mr. Speaker, this bill attempts to set up the salaries of those government workers at a level commensurate with the responsibilities that these administrative positions require. The irony of this situation is that while we attempt to attract qualified persons to administer our executive and judicial functions, we are only willing to pay them amounts that do not adequately compensate them for the very extensive energy that these positions require. And let me just point to one specific example, those of judges. When you compare the existing salaries of our judges

with the salaries of the 50 states, we are ranked number thirty-three so far as the present levels are concerned. Now with these increases, we will be ranked seventh or eighth. These increases were needed.

The salary amounts set by this bill are the result of many months of careful study and work not only in committee hearings in the House and the Senate, but by blue ribbon committees also. These salaries are justified. And as one of my colleagues stated earlier this session, we get what we pay for. And in our very competitive society, increased salaries are necessary to attract and maintain qualified individuals and, furthermore, Mr. Speaker, this pay increase is long in coming. Far too long we have neglected our public servants at the risk of jeopardizing the quality of government services rendered to the people of this State.

And in closing, Mr. Speaker, let me state again that this measure is long overdue and I urge everyone to vote aye.

Thank you."

Representative Soares then spoke against the bill, stating:

"When this bill passed the House to the Senate, I voted no on the bill and spoke about the unhappiness that I had with the method with which the collective bargaining bill was used as a camel for the department heads.

We've heard a lot of talk tonight of all those against the bill expressing their concern, and I share with them the unfairness to the collective bargaining procedure. But, some comments were made that I think are worth discussing at this time, and that is the fact that these department heads are long overdue for their raises.

Mr. Speaker, I must point out that these department heads had been in their jobs for thirty days when the bill first came up and, in private business, you at least serve three months probationary period before you are given a raise.

The department heads appointed by our governor are good people and very well qualified and I

don't mean to imply that they are not due their fair share of their salaries. But, I think that we have heard from our voters and constituents, and we are here because of them, and we are their servants, and I think these department heads and the governor and the Lt. governor were elected and appointed before their salary was put into effect and they accepted their jobs in spite of that.

Mr. Speaker, I do feel very strongly that we are being irresponsible in not realizing that we, after all these days and after all the work, will go down in history as being more concerned about pay raises than planning, environmental concerns, health and housing. I urge all my colleagues to vote this bill down."

The Chair then stated:

"The audience is taxing the Chair's patience. Rule in the House is the minimum of demonstration; otherwise, you will be escorted out. I trust that you are taking my remarks very seriously."

Representative Kamalii then rose and stated:

"Just so that we keep the records straight, I'd like to answer my colleague across the aisle. The governor of this State received his last pay raise in 1970. But if he's confused in percentages, like the one I mentioned earlier, 79%, let me give him some figures so there won't be confusion in percentage.

Our department heads now earn \$30,250; we are now proposing to give them a raise of \$42,500, a difference of \$12,250 in six months. HPERB now makes \$28,738; they will be raised to \$42,500, a difference of \$13,762 or 48%. Labor and Industrial Relations Board chairman now makes \$28,738 and will be raised to \$42,500, a difference of \$13,762. The first department deputy now earns \$25,713; he shall be raised to \$40,000 or \$14,287. For Federal Programmer, Washington, D.C., my colleagues, his position now calls for \$18,150; he will now be getting \$32,500. That is 79 percent.

Thank you, Mr. Speaker.

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1645, SD 1, HD 1, CD 1, having been read throughout, passed Final

Reading by a roll call vote of 37 ayes to 14 noes, with Representatives Abercrombie, Ajifu, Akizaki, Carroll, Clarke, Cobb, Evans, Ikeda, Kamalii, Larsen, Medeiros, Poepoe, Soares and Sutton voting no.

Conf. Com. Rep. No. 22 (H.B. No. 372, SD 1, CD 1):

On motion by Representative Suwa, seconded by Representative Akizaki, the report of the Committee was adopted, and H.B. No. 372, SD 1, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 30 (S.B. No. 637, SD 1, HD 2, CD 1):

Representative Peters moved that the report of the Committee be adopted, and that S.B. No. 637, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kamalii.

Representative Kamalii then rose and stated:

"I rise to speak in favor of S.B. No. 637, SD 1, HD 2, CD 1, relating to the employees retirement system in the State of Hawaii.

This legislation was long overdue and I am honored to vote in the affirmative for legislation that provides equality for our policemen, our firemen and correction officers who risk their lives daily protecting the citizens of Hawaii.

Mr. Speaker, I urge all the members of this honorable body to vote aye on this bill."

Representative Ajifu then rose and stated:

"I would like to just state that there's no fire in this bill. This is a clean bill. I urge all of the members of this House to vote for this measure. Thank you."

Representative Soares then rose and stated:

"I rise to speak in favor of this bill, and in so doing, take my hat off to the best police department, the best fire department and correction officers in the world.

These men have been a credit to our State. It's been long overdue and I feel that this is a time we should have a lot of joy in passing this bill for those people we depend on so much.

I ask all members to vote aye on this bill."

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

"I think the reference should be men and women. Thank you."

Representative Peters rose and stated:

"Mr. Speaker, I just wanted to point out that there was much diligence and meaningful inputs; more especially for the chairman of our conference committee, Representative Lee. I would like to thank him and Representative Kamalii for their inputs. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 637, SD 1, HD 2, CD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

At 11:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:05 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 161, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 161, HD 1, and H.B. No. 161, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the "Senate amended and added to the reorganization commission bill a section dealing with the organization and distribution of all State and county financial powers; and functions and responsibilities were also added. That's the addition or amendment made by the Senate."

Representative Soares then rose

and stated:

"Mr. Speaker, under the term 'discussion', may I just say that the House Republicans have fostered this in our goal planning two years ago and have worked hard to see this come about and we support it 100 percent."

The motion was put by the Chair and carried, and H.B. No. 161, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 374, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 374, and H.B. No. 374, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that "the Senate amended the figure as to the amount that the respective counties or the State will contribute to that of the dental benefits. Originally, the House figure had \$2.24; since then, agreement has been made to that amount of \$2.57. That is the Senate amendment, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 374, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

At 11:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:28 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 36 (H.B. No. 1779, HD 2, SD 1, CD 1):

Representative Lee moved that the report of the Committee be adopted, and that H.B. No. 1779, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Takamine.

Representative Cayetano then rose and asked:

"Will the Chairman yield to a question?"

Representative Lee replied:

"No, Mr. Speaker."

Representative Cayetano then asked:

"Mr. Speaker, will you yield to a question?"

The Chair replied:

"Not today."

Representative Cayetano then rose and stated:

"Mr. Speaker, we just came out of caucus; there's been some opinion by the Attorney General. I think it should be entered into the record. I don't see anything improper with that . . ."

Representative Garcia, on a point of order, stated:

"The opinion of the Attorney General should be given formally. This particular opinion was not given to the caucus as a formal opinion, without adequate research. I believe if we are going to ask for a formal opinion from the Attorney General, it should be done on a formal basis, and get a formal opinion on it after this bill does become law or is questioned at that time."

The Chair then stated:

"Your point is well taken."

Representative Cayetano then stated:

"Mr. Speaker, is discussion proper now? Then I rise to speak against this bill."

Mr. Speaker, in order to understand what happened to this bill, we have to go back and look at the purpose of this original bill. Originally, Mr. Speaker, the purpose of this bill was to change the rate of regular interest in the employees' retirement system from four and one-half to five percent. Originally, Mr. Speaker, this bill involved Section 88-21 of the Hawaii Revised Statutes.

There was a disagreement, Mr. Speaker, as to the percentage, between the Senate and the House. It is my understanding the Senate wanted 5 percent instead of four and three-

fourth percent; and under the rules of our House, Mr. Speaker, if the House and Senate disagree, the matter is resolved in conference.

So, then, this bill went to conference and the issue at hand in conference, Mr. Speaker, would have been Section 88-21. But, Mr. Speaker, that was tossed out, and without benefit of a public hearing, Section 88-81 was inserted and amended, and now we have, Mr. Speaker, the portion of that law which relates to pensions for legislators being increased.

Mr. Speaker, there was no public hearing on this matter, as provided by our rules. In fact, Mr. Speaker, even the House members had no input in that we are faced with a take it or leave it basis. This matter was presented to us after it had come back from conference. As we know, that is a take it or leave it situation.

It would seem to me, Mr. Speaker, to pass this bill without public input flies in the face of our continued pronouncements of openness. It is a contradiction for this House to pass open government laws such as the campaign spending law and the lobbyist registration law, which we lauded here tonight, and then to ram-rod the passage of H.B. No. 1779 in this fashion.

Mr. Speaker, I ask you, what is the rush? This bill only affects legislators. Why can't we wait till next session and give this matter a public hearing on the merits and then bring it to the floor for a vote?

Up till now, Mr. Speaker, this Legislature has done a fine job. It seems to me that passage of H.B. 1779, in this fashion, leaves us with a cloud over our heads. Tonight in caucus, Mr. Speaker, we learned that there may be a serious constitutional defect with respect to this bill - that is not surprising, in light of the fact that this matter was rushed and ram-rodged.

I urge everyone here to vote against this bill."

Representative Lee then rose to speak in favor of the bill, stating:

"This conference committee did meet requirements of the House rules, and I would like to quote Section 11.9 of the House Rules, subject matter on committee meetings:

'No bill or resolution other than a congratulatory resolution shall be reported out of a standing committee unless it shall have received a public hearing in the House'.

Now, I would also like to refer to House Rule 14.4, subject matter of conference committees: 'The meetings of the conference committee shall be conducted as agreed upon by the members of the conference committee. It shall be the position of the House that conference committee meetings and decision-making sessions shall be public'. We did meet the requirements of the conference committee in that we had a public meeting and due notice.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak against H.B. No. 1779, HD 2, SD 1, CD 1, relating to pension and retirement benefits.

Mr. Speaker, until yesterday, when I met with the other Senate and House conferees to iron out our differences over State employee retirement benefits, I was under the impression that H.B. No. 1779 was drafted solely to benefit State employees.

But, Mr. Speaker, to my surprise, we were handed a completely different document. This new document I read with total anger. This new bill would enable me, for example, to retire after six terms in office, or 12 years, with \$12,600 per annum, or slightly more than I now receive for being a full-time legislator, for one year.

I also discovered that if I were a representative for 22 years, I would then receive a retirement income of \$22,500, or almost twice the salary I now receive. And, of course, Mr. Speaker, if the legislator's salaries are increased hereafter, I would then receive even more money.

Until yesterday, I was not aware how easy and lucrative a business we legislators are engaged in. By amending an innocuous bill like H.B. No. 1779, HD 2, SD 1, we legislators can now assure ourselves of a tidy nest-egg.

Mr. Speaker, our collective pledge to the voters of this State that we

would support open government, with legislation openly arrived at, is now a mockery. It was not enough that a delegation of citizens was solemnly assured that the pay raises for the governor, lieutenant governor, and other State officials was a dead issue. It was not enough that this pledge was violated by tying such raises to collective bargaining, thus presenting us with a Hobson's choice.

No, Mr. Speaker, we have also demonstrated a contempt for the intelligence of our electorate, and a contempt for the very legislative procedures by which legislation is enacted. We have so amended the original H.B. No. 1779 that it would not be recognized by its own parents; we have added to the shell, or skeleton, such meat, sinew, and fat that it will become a monument to legislative self-serving rarely seen in Hawaii.

Mr. Speaker, I would like to believe that were I a member of the majority party in this House, I could not support H.B. No. 1779 in its amended version, just as I cannot support it as a member of the legislative minority. I would like to believe that my conscience, my pledges to my constituents, and my belief in the integrity and sanctity of legislative procedures, would overcome whatever selfish motives would prompt me to feather my own nest in my old age.

Mr. Speaker, I would also like to believe that the members of this House would be moved, on this occasion, to vote as their conscience dictates, and to permit our constituents and future historians to point to this session, this final hour, as an honorable occasion.

Mr. Speaker, I ask my fellow House members, of both parties, to join me in defeating H.B. No. 1779, HD 2, SD 1, CD 1."

Representative Takamura then rose to speak against the bill, stating:

"In a recent edition of the Honolulu Star Bulletin, there appeared an editorial praising the Eighth State Legislature. Among the items cited in this editorial was the following, and I would like to quote it: 'Most major questions up for decision have been fully and freely discussed, not ram-

rodged past an unsuspecting public'.

Mr. Speaker, I believe that the manner by which H.B. No. 1779 comes before this legislative body contradicts this editorial and it also contradicts the spirit of the recently passed sunshine bill. I think we had some considerations about the legalities concerned here. I believe there is debate over whether or not we stayed to the letter of the law just as it's debatable whether or not the bill itself sticks to the letter of the law.

However, I believe it is undebatable that the spirit of openness which we've heard so much about has not been adhered to. The people of the State of Hawaii are our employers and in order for us to increase our salaries and our benefits, we should, through the process of open and free public hearings and meetings, negotiate with the people to do so.

Mr. Speaker, because of the unfortunate and deliberate tying together of the executive salary increases to the wage increases of the eleven public employee bargaining units, I voted, with great reluctance, for H.B. No. 1645.

Personally, I refuse to be sandbagged again. Now I know how this thing works and I know that the votes have been counted and we're probably speaking to ourselves, and maybe not, and maybe to some of the people here and I doubt if these words will change anybody's mind. But, if there is somebody who's still on the fence, I hope you will consider carefully what's happening here tonight and vote your conscience."

Representative Larsen rose to speak against the bill, stating:

"I had a little speech prepared here but the words were so well spoken by other members who have already risen to speak against the same measure that it would be repetitious for me to say the speech, so I will just read the definitions of a couple of words here from Webster's dictionary in case members of the House are not familiar with them.

The first one is called avarice: 'excessive or insatiable desire for wealth or gain'. The other is greed: 'excessive or reprehensible acquisitiveness'.

I would urge members of this House to vote against this measure. Thank you, Mr. Speaker."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against H.B. No. 1779, a bill to increase our own pension so that in a minimum of ten years, the condition precedent, we would have a 250% increase.

This bill is morally wrong. It is legally wrong. And, Mr. Speaker, it violates all our House Rules. Furthermore, Mr. Speaker, I say it is unconstitutional.

There has been no public hearing, Mr. Speaker. House Rule, Section 11.9, which we just adopted on the 15th of January of this year, states that no bill shall be reported out without public hearing. At no time have we, here in the House, ever publicly announced that we were increasing our own pensions and let the public participate; nor have we taken any evidence; nor have we made any findings.

Other speakers have shown out this bill, and I think Mr. Cayetano has adequately shown how this bill has arrived to us this evening.

And, I say, Mr. Speaker, in response to a previous speaker, that this House Rule, 11.9, is not superseded by any rule. We don't have any House rules that are superseded successively. Each House Rule stands on its own. This is neither the time, Mr. Speaker, nor the place for such action. It should be the responsibility, Mr. Speaker, of a neutral body. It violates the basic principle in the Constitution, and I was a member of that Constitutional Convention, and I recall this basic concept that a legislature will not increase its salary.

I say that the definition of the word 'salary' can be very definitely broadened to include a pension because we have, in this body, people who have had ten years and who tomorrow could retire and would receive the 250% increment.

Mr. Speaker, when we ran for public office, we all knew what the pension was - it was \$4,000. We came in with our eyes wide open. We've been here 60 days and what do we do, we

increase it to over \$10,000 by this.

Mr. Speaker, the voters have placed a sacred trust in us; we break that trust by ourselves in a self-serving way tonight, increasing that pension.

Mr. Speaker, this is morally wrong, legally wrong, it violates the House Rules and it is patently unconstitutional. I would urge all of my colleagues to, in honor of their sacred trust, to vote this down.

Thank you."

Representative Soares then rose to speak against the bill, stating:

"I think it's remiss that we allow ourselves to come down to the wire after working around the clock--many hours in conference, and many hours in committee--and cloud our whole session by passing this bill, H.B. No. 1779.

I echo my previous speakers' concerns and I do feel that the ending of this session is ending in a cloud of smoke rather than joy of accomplishment."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak against this measure. In doing so, I take cognizance of some of the previous remarks made because I had not planned to speak. But less than an hour ago, we were presented with a written opinion by the Deputy Attorney General of this State, which raised some questions relative to the constitutionality of this measure and the correctness of some of its provisions. And less than twenty minutes ago, we heard from the Attorney General, in person, about some of the prospective problems about this particular measure from either a constitutional point of view, or relating to a question of whether or not if an individual who had over ten years would retire on July 1, 1975, that that individual would then, in effect, receive an increase in salary since then he would come under the provisions of this particular bill.

Now, Mr. Speaker, you have ruled out of order the presentation of that opinion on the floor of this House based on the point that insufficient time was granted to research it. Well, Mr. Speaker, I very sincerely question what then is a viable

or correct Attorney General's opinion if it takes one hour to produce such an opinion as opposed to one day for another opinion, for that to be the difference between what is a correct opinion and what is a valid opinion and what is not?

In addition, Mr. Speaker, we have not resolved the question of whether or not those of us with more than ten years of service should be disqualified from voting on this particular bill because we would have an immediate benefit.

Finally, Mr. Speaker, there have been a number of questions raised about the process in which this bill came before us--the total lack of public input; the total lack of a public hearing; the total lack of the opportunity of the public to comment on this measure. Mr. Speaker, if we're going to do something like this, let's at least give the public a chance to comment directly through the process of free and open public hearing and not report it out of a conference committee as a six-legged alligator.

Accordingly, Mr. Speaker, I would like to urge all of my colleagues to vote this measure down."

Upon request by Representative Lee, the following is inserted for the record:

"Mr. Speaker, I speak in favor of House Bill 1779, Conference Draft 1.

First of all, I would like to allay any apprehension which any member of this body might have concerning the procedural aspects of this bill.

This is a conference draft formally reported out by a duly appointed conference committee. It is a bill which, by its title, encompasses one subject. And it is a bill which has been received by the members 24 hours prior to final action, and which has complied with House rules opening conference committee deliberations to the public. Therefore, I do not see any legal questions concerning the movement of this bill to final action.

As to the substance of the bill, I think the intent is quite clear. It is to provide a much more realistic basis for determining the average final compensation of a legislator

for retirement compensation purposes.

In 1963, the Legislature established the formula under which the average final compensation of legislators would be computed at a multiple of four times the compensation of general session and six times the compensation of budget sessions. This formula was based on compensation of \$2,500 for general sessions and \$1,500 for budget sessions which had been established in the original Constitution way back in 1950.

In 1969, after the 1968 Constitutional Convention changed the legislative salaries to \$12,000, the statute was changed to specify that for services of a legislator after 1968, the actual salary would be used for compensation purposes. This means that even though, as far back as 1963, compensation could be considered to be \$10,000 for general sessions and \$9,000 for budget sessions; today, as in 1969, it can only be \$12,000.

This means, in effect, that although twelve years have passed since the multiple formula was established in 1963, there is only a difference of \$2,000 today, when compared with general sessions, and only \$3,000, when compared with budget sessions. It appears reasonable to me that because legislative salaries were increased by the 1968 Convention, there should also be considered a more equitable adjustment in calculating salaries for retirement purposes.

In essence, what might have been reasonable to the Constitutional drafters way back in 1950 in setting legislative salaries at \$2,500 and \$1,500 certainly didn't look very realistic or reasonable to the 1963 Legislature when it went into a multiple formula to calculate compensation for retirement. Likewise, what might have been reasonable to the 1968 Convention in setting salaries at \$12,000 does not appear today to be reasonable for the purpose of calculating compensation for retirement.

So, in summary, let me say that there is ample precedent in establishing a multiple of average compensation for retirement purposes. And let me say also that the multiple is reasonable and realistic.

That is why I support the bill and urge all members of the House to vote for the bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1779, HD 2, SD 1, CD 1, having been read throughout, passed Final Reading by a roll call vote of 30 ayes to 21 noes, with Representatives Abercrombie, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kamalii, Kimura, Larsen, Medeiros, Poepoe, Santos, Soares, Sutton and Takamura voting no.

The Chair directed the Clerk to note that H.B. No. 282 passed Final Reading at 8:17 o'clock p.m.; H.B. No. 430 at 8:18 o'clock p.m.; H.B. Nos. 850 and 1875 at 8:22 o'clock p.m.; H.B. No. 1852 and S.B. No. 516 at 8:23 o'clock p.m.; H.B. No. 1870 at 8:25 o'clock p.m.; H.B. No. 677 at 8:33 o'clock p.m.; S.B. No. 42 at 8:50 o'clock p.m.; H.B. No. 55 at 8:55 o'clock p.m.; S.B. No. 1200 at 9:04 o'clock p.m.; S.B. No. 535 at 9:45 o'clock p.m.; S.B. No. 1732 at 10:00 o'clock p.m.; H.B. No. 612 at 10:02 o'clock p.m.; H.B. No. 327 at 10:04 o'clock p.m.; H.B. No. 999 at 10:05 o'clock p.m.; H.B. No. 126 at 10:10 o'clock p.m.; H.B. No. 127 at 10:14 o'clock p.m.; S.B. No. 1281 at 10:15 o'clock p.m.; S.B. No. 1645 and H.B. Nos. 1742 and 372 at 10:55 o'clock p.m.; S.B. No. 637 at 10:58 o'clock p.m.; H.B. No. 161 at 11:07 o'clock p.m.; H.B. No. 374 at 11:08 o'clock p.m.; H.B. No. 1779 at 11:45 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Takamine moved that the House reconsider its action taken on H.B. No. 1240, HD 1, SD 1, seconded by Representative Yuen and carried.

The Chair, at this time, discharged the conferees on the part of the House on H.B. No. 1240, HD 1, SD 1.

Representative Takamine moved that the House agree to the amendments proposed by the Senate to H.B. No. 1240, HD 1, and H.B. No. 1240, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yuen.

Representative Takamine then explained that "this bill refers

to public service. The Senate amended this bill by changing it to make State information service available to the public through the satellite City Halls of the City and County of Honolulu with \$100,000 appropriation; and also provide for the statewide coordination and development of immigration service with \$26,000 appropriation."

The motion was put by the Chair and carried, and H.B. No. 1240, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1240 had passed Final Reading at 11:53 o'clock p.m.

At 11:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:55 o'clock p.m.

The Chair, at this time, stated:

"Before adjourning, the Chair would like to express his appreciation and gratitude to all the members of the House who participated so fully and well in making this, I believe, as one of the most productive sessions in the State of Hawaii. I would also like to express my personal gratitude and appreciation to all staff members who contributed their worth in making this session a wonderful place to work in."

Upon the request of Representative Ushijima, the following is inserted for the record:

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

Mr. Speaker, tonight marks the end of our Regular Session of the Eighth Legislature.

We attempted to solve the problems confronting our State. A program was designed as a guide for us to follow, and as we look back, it is clear that we have solved some of the problems while some remain unsolved.

Mr. Speaker, we started our pre-session activities with special emphasis on the importance of making each of us, members of the majority as well as the minority, more effective representatives of the people. Pre-session training and seminars were held for legislators, as well

as for the staff members, to provide for more efficient legislative operations. Our committees and budget review process were restructured so that all members, majority and minority alike, could participate more meaningfully in legislative deliberations. All of this have paid off, Mr. Speaker, for today, we find this honorable body on a firm and solid foundation.

Mr. Speaker, while we are aware of the things that we have, in fact, accomplished, this does not mean that our task is over. There are problems still unsolved. Mr. Speaker, we are a House in mid-passage, and our record is not finally written. The bills not enacted this year will still be active next session. We must, therefore, bear in our minds the direction in which we must continue to move in order to accomplish the things which remain to be done.

I believe we should make it clear to our citizens that, indeed, this House will persevere in the course it has set. Let us hold to our responsibilities during the interim period by preparing ourselves for the next session, in establishing the ways by which we can move further in our course in 1976. In this way, we can continue to hold ourselves accountable to the people of our State by the policies we formulate so that we can look with pride to our full record of accomplishments when it is told a year from now.

On behalf of the leadership of the House of Representatives, I would like to take this opportunity to extend our sincere thanks to all of the fine committee chairpersons who have pursued their responsibilities with dedication.

On behalf of the leadership of the House of Representatives, I would like to commend the new members for exemplary work and conduct befitting experienced members of this honorable body.

On behalf of the majority members, I thank you, Mr. Speaker, for your strong leadership.

And to the minority, our thanks for the privilege of working together with you as members of the House of Representatives."

Representative Poepoe also

requested that the following be inserted for the record:

"Mr. Speaker, on behalf of the Republicans in the House, let me extend out thanks and congratulations to you and to every member of your caucus. We approached this session in an atmosphere of cooperation and reasonableness, and we have succeeded with you.

Each member has contributed to the process and each member has had a hand in the passage of numerous pieces of legislation. We have occasionally been at odds, and we've debated the issues on the floor of this House. In the final analysis, I firmly believe that this has been the most productive legislative session since I have been a member of this honorable body.

Mr. Speaker, at the start of the session I said that the Republican caucus's over-riding concern was the changing life styles in Hawaii. We have enacted measures this year to meet this concern, and specifically in the area of land use planning. The road map is being drawn for the future of Hawaii. We are pleased.

Our Republican caucus, this year, consisted of eight new members. I believe this session has provided a good education for all of them. My incumbents have been a strong support for all of us. I believe all Republican House members have served their constituents well and it has been my privilege to serve as their leader.

Mr. Speaker, our members look forward to a continuing good relationship through the interim and will be ready for a lively and interesting session in 1976."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 495 and 496) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 495) informing the House that the Senate had this day completed its business and is ready to adjourn sine die, was placed on file.

A communication from the Senate (Sen. Com. No. 496) informing the House that pursuant to the request

of the House of Representatives, the President has this day, April 11, 1975, discharged the managers on the part of the Senate to House Bill No. 1240, HD 1, SD 1, was placed on file.

At this time, Representative Abercrombie rose and stated:

"Mr. Speaker, you may see on the desk before me and, I think, on some of the members here of the Higher Education Committee, these beautiful flowers. They came from the East West Center Student's Association, and my sincere hope, Mr. Speaker, is that these do not become a memorial to the East West Center

Student's Association as a result of the passage of the bill tonight."

ADJOURNMENT

Representative Kimura moved that the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, adjourn Sine Die, seconded by Representative Soares and carried.

At 11:56 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, adjourned Sine Die, in memory of the late Governor John Anthony Burns.