

## FIFTY-NINTH DAY

Friday, April 24, 1987

The House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Francis Nakagawa of the Co-Cathedral of Our Lady of Peace, after which the Roll was called showing all members present with the exception of Representatives Bellinger, Cachola, Horita, Peters, Say, Shito, Souki, Takamine and Taniguchi, who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Fifty-Fourth, Fifty-Fifth and Fifty-Sixth Days.

On motion by Representative Apo, seconded by Representative Anderson and carried, reading of the Journals was dispensed with and the Journals of the Fifty-Fourth, Fifty-Fifth and Fifty-Sixth Days were approved.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 120 to 122) were read by the Clerk and were disposed of as follows:

A communication from the Governor (Gov. Msg. No. 120) transmitting copies of a report prepared by the Hawaii Housing Authority in response to Senate Resolution No. 122, relating to housing for the homeless, was placed on file.

A communication from the Governor (Gov. Msg. No. 121) transmitting copies of the Statewide Adult Day Center Study - Interim Legislative Report, was placed on file.

A communication from the Governor (Gov. Msg. No. 122) transmitting copies of the Hawaii Aquaculture Advisory Council, 1986 Report, prepared by the Department of Land and Natural Resources, was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 826 to 890) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 826) 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 in House Bill No. 1025, HD 1, SD 1, CD 1, was adopted, and House Bill No. 1025, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 827) informing the House that the Senate has, on April 23, 1987, reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD 1) proposed by the House to Senate Bill No. 1744, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 828) informing the House that the Senate has, on April 23, 1987, reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD 1) proposed by the House to Senate Bill No. 1325, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 829) returning House Concurrent Resolution No. 3, requesting the Department of Health to report on the development of a State hazardous waste program, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 830) returning House Concurrent Resolution No. 95, requesting the Department of Transportation to name the Lihue Airport Terminal Building in memory and honor of Richard A. Kawakami, Speaker of the State House of Representatives (January 21 - March 8, 1987), which was adopted by the Senate on April 23, 1987, in an amended form, was placed on file.

At this time, Representative Oshiro gave notice of intent to agree to the amendments proposed by the Senate to House Concurrent Resolution No. 95.

A communication from the Senate (Sen. Com. No. 831) transmitting Senate Concurrent Resolution No. 9, urging a uniform emergency phone number "911" throughout the State of Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate

(Sen. Com. No. 832) transmitting Senate Concurrent Resolution No. 14, concerning the protection and preservation of Kapiolani Park to ensure a free public park and recreation ground free from commercial enterprise, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 833) transmitting Senate Concurrent Resolution No. 16, requesting the development of a resource inventory of the elderly to utilize their skills, knowledge, expertise, and experience in our public schools, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 834) transmitting Senate Concurrent Resolution No. 38, SD 1, requesting the Department of Education to reevaluate its system of delivery of services to schoolchildren with hearing disorders, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 835) transmitting Senate Concurrent Resolution No. 42, requesting and urging Hawaii's congressional delegation to support legislation for long term care and catastrophic illness insurance, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 836) transmitting Senate Concurrent Resolution No. 49, SD 1, requesting the University of Hawaii to examine the feasibility of establishing a Hawaiian and Pacific Islands Studies Center, University of Hawaii, Hilo, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 837) transmitting Senate Concurrent Resolution No. 50, requesting that the University of Hawaii and the East-West Center explore the possibility of a cooperative program in Pacific/Asian studies and research, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 838) transmitting Senate Concurrent Resolution No. 55, requesting a study to designate the Honolulu Symphony as the Hawaii State Symphony, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 839) transmitting Senate Concurrent Resolution No. 57, urging that an advisory committee be formed to investigate and report on the need to upgrade the aviation mechanic curriculum and facilities of the University of Hawaii community colleges, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 840) transmitting Senate Concurrent Resolution No. 58, SD 1, requesting the Ocean Resources Branch of the Department of Planning and Economic Development to study the feasibility of consolidating under a single administrative department or agency, responsibility for State functions and activities relating to the ocean, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 841) transmitting Senate Concurrent Resolution No. 63, SD 1, strongly encouraging the counties to adopt certain litter ordinances, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 842) transmitting Senate Concurrent Resolution No. 74, SD 1, urging the State Department of Agriculture to aggressively prevent the introduction of the Brown Tree Snake into Hawaii through a cooperative program with other state, federal and territorial agencies, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 843) transmitting Senate Concurrent Resolution No. 76, requesting the development of an action plan for training and educational opportunities for the visitor industry worker, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 844) transmitting Senate Concurrent Resolution No. 78, authorizing the Department of Transportation to dispose by way of a lease, certain government submerged lands for the purpose of a nonprofit maritime center, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 845) transmitting Senate Concurrent Resolution No. 79,

authorizing the Department of Transportation to dispose by way of a lease, certain government submerged lands for the purpose of a marine facility, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 846) transmitting Senate Concurrent Resolution No. 80, authorizing the Department of Transportation to dispose by way of a lease, certain government submerged lands for the purpose of a tour boat operation, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 847) transmitting Senate Concurrent Resolution No. 81, requesting a study of the adequacy of the basic needs allowance and shelter allowance schedule under the public assistance program, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 848) transmitting Senate Concurrent Resolution No. 82, requesting the Department of Social Services and Housing, Department of Health, and Department of Education to review and evaluate the report on the utilization of medicaid on behalf of the developmentally disabled in Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 849) transmitting Senate Concurrent Resolution No. 83, SD 1, requesting the Legislative Reference Bureau to study the Department of Education's procedures and criteria in identification of special education students, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 850) transmitting Senate Concurrent Resolution No. 85, SD 1, requesting a study on the social and financial impact of mandating coverage of certain health services, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 851) transmitting Senate Concurrent Resolution No. 89, SD 1, requesting a study on the advisability of statutorily requiring real estate licensees and non-licensees to ascertain and disclose pertinent facts, and defining pertinent facts,

which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 852) transmitting Senate Concurrent Resolution No. 93, SD 1, requesting that a multi-government sector committee be formed for a coordinated effort at developing alternative solutions to reduce the number of abandoned and derelict vehicles on Oahu, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 853) transmitting Senate Concurrent Resolution No. 99, SD 1, requesting a study of the Aloha Corps concept, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 854) transmitting Senate Concurrent Resolution No. 100, SD 1, relating to the United States Exclusive Economic Zone, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 855) transmitting Senate Concurrent Resolution No. 101, SD 1, requesting that the Governor of Hawaii proclaim 1988 as the year of telecommunications in the State of Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 856) transmitting Senate Concurrent Resolution No. 103, SD 1, requesting the Governor's appointed task force to explore methods to prevent the closing of Waialua Sugar Company and for a study of Hawaii's sugar industry, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 857) transmitting Senate Concurrent Resolution No. 104, requesting that Hawaii's congressional delegation support the restoration of federal funds for continued operation of the newly established regional aquaculture centers program in the United States Department of Agriculture, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 858) transmitting Senate Concurrent Resolution No. 106, requesting a report of the status of government roads, trails, and rights-of-way over private property,

which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 859) transmitting Senate Concurrent Resolution No. 108, requesting the Department of Health to continue to study the problem of providing medical care to indigents in Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 860) transmitting Senate Concurrent Resolution No. 112, requesting the Department of Health to submit a report, a plan, and a budget for implementing the Waianae pilot project to create incentives for alternatives to hospitalization, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 861) transmitting Senate Concurrent Resolution No. 114, SD 1, requesting an examination of the airport system financing, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 862) transmitting Senate Concurrent Resolution No. 118, regarding the Vietnam Veterans Memorial, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 863) transmitting Senate Concurrent Resolution No. 121, requesting the University of Hawaii to conduct a study to increase the collaboration efforts between the Bishop Museum and the University of Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 864) transmitting Senate Concurrent Resolution No. 122, SD 1, requesting the Office of the Chancellor of the community colleges to conduct a study of the job training needs of high technology employers, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 865) transmitting Senate Concurrent Resolution No. 123, requesting a study of the rates being paid to sugar companies in Hawaii with firm power contracts pre-purpa regulations and Act 243, which was adopted by the Senate on

April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 866) transmitting Senate Concurrent Resolution No. 124, SD 1, requesting the United States Congress to establish and support a Pacific center for agricultural instruction, research, and extension for all Pacific Islands, based on the land-grant theme, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 867) transmitting Senate Concurrent Resolution No. 127, SD 1, requesting the Department of Commerce and Consumer Affairs to conduct a study of Hawaii's motor vehicle "Lemon Law", which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 868) transmitting Senate Concurrent Resolution No. 131, requesting a study of the school bus system, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 869) transmitting Senate Concurrent Resolution No. 133, urging the United States to extend an invitation to France to use United States nuclear testing facilities as an alternative to using its current site in the South Pacific, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 870) transmitting Senate Concurrent Resolution No. 134, requesting a comprehensive study for the implementation of a recreation and conservation pilot project at Kaneohe Bay, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 871) transmitting Senate Concurrent Resolution No. 135, requesting the Legislative Auditor to do a study on the feasibility of establishing a Kaneohe Bay Authority, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 872) transmitting Senate Concurrent Resolution No. 138, SD 1, requesting that the State support efforts for the federal acquisition of the Crater Hill-Mokolea Point coastal wildlands area abutting the Kilauea Point National Wildlife

Refuge, Kauai, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 873) transmitting Senate Concurrent Resolution No. 139, SD 1, requesting a feasibility study on the convening of a Pacific Basin tourism conference, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 874) transmitting Senate Concurrent Resolution No. 147, SD 1, concerning Hawaiian language medium schools, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 875) transmitting Senate Concurrent Resolution No. 148, requesting that the Department of Education investigate and report on the costs and feasibility of making water safety and swimming programs available to all public school students, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 876) transmitting Senate Concurrent Resolution No. 151, requesting that the entrance fees for Hawaii Volcanoes National Park, Haleakala National Park, and Pu'uuhonua O Honaunau National Park be waived for residents of the State of Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 877) transmitting Senate Concurrent Resolution No. 156, requesting the Department of Planning and Economic Development to conduct a comprehensive study and evaluation of tourism research in Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 878) transmitting Senate Concurrent Resolution No. 157, requesting the Legislative Auditor to conduct a study on the feasibility of regulating intra-state air carriers as public utilities, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 879) transmitting Senate Concurrent Resolution No. 159, SD 1, requesting that steps be taken to remedy the shortage of physical therapists employed by the

State, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 880) transmitting Senate Concurrent Resolution No. 161, SD 1, requesting the Department of Transportation to develop a plan to provide for the mooring of light-draft vessels at Kawaihae Harbor on the island of Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 881) transmitting Senate Concurrent Resolution No. 162, SD 1, requesting the Department of Land and Natural Resources to establish game management areas on suitable State and federal lands and through cooperative agreements with private landholders to allow State controlled public hunting, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 882) transmitting Senate Concurrent Resolution No. 163, requesting the Department of Transportation to study and report on the need for additional recreational small boat harbors and mooring facilities in Hawaii, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 883) transmitting Senate Concurrent Resolution No. 164, SD 1, requesting an assessment of game management programs utilized by other states to maximize harvestable game populations for public hunting purposes, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 884) transmitting Senate Concurrent Resolution No. 174, SD 1, requesting a study relating to traffic and traffic futures, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 885) transmitting Senate Concurrent Resolution No. 175, SD 1, requesting the support of Hawaii's congressional delegation for the support of legislation and other programs to help control plastic and net pollution of our oceans, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 886) transmitting

Senate Concurrent Resolution No. 176, urging the development of a strategic marketing plan for Hawaii's agricultural export products, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 887) transmitting Senate Concurrent Resolution No. 178, urging support for the development of agricultural programs in the American Pacific, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 888) transmitting Senate Concurrent Resolution No. 180, requesting the Department of Agriculture to evaluate its produce, feed, egg, meat, and poultry inspection, pesticide enforcement and plant quarantine programs, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 889) transmitting Senate Concurrent Resolution No. 181, urging Hawaii's congressional delegation to oppose the imposition of a fee or quota on the importation of crude oil and petroleum products, which was adopted by the Senate on April 23, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 890) transmitting Senate Concurrent Resolution No. 184, SD 1, authorizing the Department of Land and Natural Resources, the Department of Transportation, or both, to develop through private developers and capital certain fast and submerged lands for enumerated purposes, which was adopted by the Senate on April 22, 1987, was placed on file.

On motion by Representative Apo, seconded by Representative Anderson and carried, further action on S.C.R. Nos. 9; 14; 16; 38, SD 1; 42; 49, SD 1; 50; 55; 57; 58, SD 1; 63, SD 1; 74, SD 1; 76; 78; 79; 80; 81; 82; 83, SD 1; 85, SD 1; 89, SD 1; 93, SD 1; 99, SD 1; 100, SD 1; 101, SD 1; 103, SD 1; 104; 106; 108; 112; 114, SD 1; 118; 121; 122, SD 1; 123; 124, SD 1; 127, SD 1; 131; 133; 134; 135; 138, SD 1; 139, SD 1; 147, SD 1; 148; 151; 156; 157; 159, SD 1; 161, SD 1; 162, SD 1; 163; 164, SD 1; 174, SD 1; 175, SD 1; 176; 178; 180; 181; and 184, SD 1, was deferred until later in the calendar.

#### MISCELLANEOUS COMMUNICATION

A communication from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 4) acknowledging receipt of a communication relating to long-term care, was read by the Clerk and placed on file.

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

Representative Oshiro introduced Pearl Fernandez, Salina Sanchez and Desiree Ribordy, participants in the Legislative Awareness Program from Ilima Intermediate School.

Representative Crozier introduced Mark Peralta, Riodan Reyes and Anna Liza Valdez, participants in the Legislative Awareness Program from Ilima Intermediate School.

Representative Tam introduced his sister, Mrs. Noreen Clement. She was accompanied by her business associate, Mr. Jack Perry, who is also the Chief Executive Officer of United Resources.

#### 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>
9	Committee on Finance
14	Committee on Water, Land Use, Development and Hawaiian Affairs
16	Committee on Human Services
38	Committee on Education
42	Committee on Human Services
49	Committee on Higher Education and the Arts
50	Committee on Higher Education and the Arts
55	Committee on Higher Education and the Arts
57	Committee on Higher Education and the Arts
58	Committee on Ocean and Marine Resources

63	Committee on Planning, Energy and Environmental Protec- tion	123	Committee on Consumer Protection and Commerce
74	Committee on Agriculture	124	Committee on Higher Education and the Arts
76	Committee on Tourism	127	Committee on Consumer Protection and Commerce
78	Committee on Ocean and Marine Resources	131	Committee on Education
79	Committee on Ocean and Marine Resources	133	Committee on Intergovern- mental Relations
80	Committee on Ocean and Marine Resources	134	Committee on Ocean and Marine Resources
81	Committee on Human Services	135	Committee on Housing and Community Development
82	Committee on Human Services	138	Committee on Planning, Energy and Environmental Protec- tion
83	Committee on Education	139	Committee on Tourism
85	Committee on Consumer Protection and Commerce	147	Committee on Education
89	Committee on Consumer Protection and Commerce	148	Committee on Education
93	Committee on Intergovern- mental Relations	151	Committee on Water, Land Use, Development and Hawaiian Affairs
99	Committee on Water, Land Use, Development and Hawaiian Affairs	156	Committee on Tourism
100	Committee on Ocean and Marine Resources	157	Committee on Consumer Protection and Commerce
101	Committee on Water, Land Use, Development and Hawaiian Affairs	159	Committee on Health
103	Committee on Agriculture	161	Committee on Transporta- tion
104	Committee on Ocean and Marine Resources	162	Committee on Water, Land Use, Development and Hawaiian Affairs
106	Committee on Water, Land Use, Development and Hawaiian Affairs	163	Committee on Ocean and Marine Resources
108	Committee on Human Services	164	Committee on Water, Land Use, Development and Hawaiian Affairs
112	Committee on Health	174	Committee on Transporta- tion
114	Committee on Transporta- tion	175	Committee on Ocean and Marine Resources
118	Committee on Human Services	176	Committee on Agriculture
121	Committee on Higher Education and the Arts	178	Committee on Agriculture
122	Committee on Higher Education and the Arts	180	Committee on Agriculture
		181	Committee on Water, Land Use, Development and Hawaiian Affairs

184 Committee on Ocean and  
Marine Resources

H.B. No. 463, SD 1:

By unanimous consent, action was deferred one day.

#### COMMITTEE REASSIGNMENTS

The following House Resolutions and House Concurrent Resolutions were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
177	Committee on Legislative Management
198	Committee on Health
207	Committee on Legislative Management
208	Committee on Legislative Management
268	Committee on Agriculture

H.B. No. 1150, HD 2, SD 1:

By unanimous consent, action was deferred one day.

H.B. No. 14, HD 2, SD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1421, HD 1, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1734, SD 1:

By unanimous consent, action was deferred one day.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

#### H.C.R. Nos.

115	Committee on Health
117	Committee on Legislative Management
156	Committee on Agriculture
213	Committee on Legislative Management

Upon reconvening at 11:57 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Bellinger, Say and Shito.

S.B. No. 448, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of considering bills on Final and Third Readings on the basis of a modified consent calendar.

S.B. No. 1001, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 1224, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 444, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 393, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 419:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 522:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 525, SD 1:

#### UNFINISHED BUSINESS

H.B. No. 736, HD 1, SD 2:

By unanimous consent, action was deferred one day.

H.B. No. 578, HD 1, SD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1924, SD 1:

By unanimous consent, action was deferred one day.

H.B. No. 1151, HD 1, SD 1:

By unanimous consent, action was deferred one day.

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 632, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 727, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 877, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 956, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 1023, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 1526, SD 2:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 450:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 451:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 521:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 452, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 11, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 216, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 368:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 366, SD 1:

By unanimous consent, action was

deferred to the end of the calendar.

S.B. No. 365, SD 1:

By unanimous consent, action was deferred to the end of the calendar.

S.B. No. 1483, SD 1:

By unanimous consent, action was deferred one day.

#### STANDING COMMITTEE REPORTS

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1521) recommending that H.R. No. 126, as amended in HD 1, be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 126, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A NEW HIGH SCHOOL IN WEST HAWAII", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1522) recommending that H.R. No. 42, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 42, HD 1, entitled: "HOUSE RESOLUTION CONCERNING THE POSTING OF THE PRICE OF GASOLINE BY THE GALLON", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1523) recommending that H.C.R. No. 23, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 23, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE POSTING OF THE PRICE OF GASOLINE BY THE GALLON", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1524) recommending that H.R. No. 170, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 170, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR STANDARD FORM D.R.O.A. TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1525) recommending that H.C.R. No. 99, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 99, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR STANDARD FORM D.R.O.A. TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1526) recommending that H.R. No. 261 be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 261, entitled: "HOUSE RESOLUTION RELATING TO AN INTERIM STUDY BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REGARDING COMPLIANCE WITH PL 99-660m THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1527) recommending that H.C.R. No. 155 be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO AN INTERIM STUDY BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REGARDING COMPLIANCE WITH PL 99-660, THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1528) recommending that H.R. No. 319 be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 319, entitled: "HOUSE RESOLUTION REQUESTING LOWER WORKERS' COMPENSATION RATES FOR LOGGING INDUSTRY WORKERS", was adopted, with Representative Liu voting no.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1529) recommending that H.R. No. 342, as amended in HD 1, be adopted.

On motion by Representative Shon, seconded by Representative Leong and carried, the report of the Committee was adopted and H.R. No. 342, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REPORT ON THE IMPLICATIONS OF THE CURRENT HAWAII STATE HOSPITAL CONSTRUCTION PLAN ON THE OVERALL FUTURE STATE MENTAL HEALTH BUDGET", was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1530) recommending that H.C.R. No. 204, as amended in HD 1, be adopted:

On motion by Representative Shon, seconded by Representative Leong and carried, the report of the Committee was adopted and H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REPORT ON THE IMPLICATIONS OF THE CURRENT HAWAII STATE HOSPITAL CONSTRUCTION PLAN ON THE OVERALL FUTURE STATE MENTAL HEALTH BUDGET", was adopted.

#### INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 480) extending congratulations to the Kaiser High School Boys' Baseball Team for winning the Oahu Interscholastic Association championship was jointly offered by Representatives Ribellia, Jones, Alcon, Anderson, Arakaki, Bunda, Cachola, Cavasso, Crozier, Hemmings, Honda, Ihara, Isbell, Lee, Leong, Levin, Liu, Marumoto, Medeiros, O'Kieffe, Oshiro, Pfeil, Say, Shito,

Tajiri, Tam and Kihano and was read by the Clerk.

On motion by Representative Ribellia, seconded by Representative Jones and carried, H.R. No. 480 was adopted.

### THIRD READING

#### S.B. No. 1098:

On motion by Representative Hiro-no, seconded by Representative Metcalf and carried, S.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR INSURANCE PRACTICES AND FRAUDS", having been read throughout, passed Third Reading by a vote of 45 ayes, with Representatives Cachola, Horita, Peters, Souki, Takamine and Tani-guchi being excused.

The Chair directed the Clerk to note that S.B. No. 1098 had passed Third Reading at 12:02 o'clock p.m.

At 12:03 o'clock p.m., Representative Crozier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:04 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1531) recommending that H.R. No. 446 be referred to the Committee on Legislative Management.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.R. No. 446, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO TAKE THE NECESSARY STEPS TOWARD THE RESOLUTION OF THE PROBLEMS AND DEFICIENCIES IDENTIFIED WITHIN THE 1987 MANAGEMENT AND PROGRAM AUDIT OF THE ENVIRONMENTAL PROTECTION AND HEALTH SERVICES DIVISION", was referred to the Committee on Legislative Management.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1532) recommending that H.C.R. No. 273 be referred to the Committee

on Legislative Management.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO TAKE THE NECESSARY STEPS TOWARD THE RESOLUTION OF THE PROBLEMS AND DEFICIENCIES IDENTIFIED WITHIN THE 1987 MANAGEMENT AND PROGRAM AUDIT OF THE ENVIRONMENTAL PROTECTION AND HEALTH SERVICES DIVISION", was referred to the Committee on Legislative Management.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1533) recommending that H.R. No. 399, as amended in HD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.R. No. 399, HD 1, entitled: "HOUSE RESOLUTION URGING THAT THE DEPARTMENT OF TRANSPORTATION ADOPT RULES REGARDING THE DISCHARGE OR LEAKAGE OF WATER POLLUTANTS FROM VESSELS INTO OR UPON STATE WATERS", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1534) recommending that H.R. No. 375, as amended in HD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.R. No. 375, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO DISCUSS THE WAYS AND MEANS OF ESTABLISHING COMPREHENSIVE LEAST-COST PLANNING PROGRAMS FOR HAWAII'S ELECTRIC UTILITIES DURING ITS UPCOMING SEMINAR-WORKSHOP SCHEDULED FOR JUNE 1987", was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1535) recommending that H.R. No. 413 be referred to the Committee on Legislative Management.

On motion by Representative Tam, seconded by Representative Lee and

carried, the report of the Committee was adopted and H.R. No. 413, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM STUDY OF THE CONCEPT OF YEAR-ROUND PUBLIC SCHOOLS", was referred to the Committee on Legislative Management.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1536) recommending that H.R. No. 415 be referred to the Committee on Legislative Management.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 415, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF HEALTH AND SAFETY CONDITIONS AT THE HAWAII STATE LIBRARY", was referred to the Committee on Legislative Management.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1537) recommending that H.R. No. 295, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 295, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH HAWAIIAN MEDIUM CLASSES IN ELEMENTARY SCHOOLS", was referred to the Committee on Finance.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1538) recommending that H.R. No. 441 be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 441, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF INSERVICE TRAINING AND OTHER RESOURCES AVAILABLE TO TEACHERS TO IMPROVE PUBLIC EDUCATION IN HAWAII", was adopted.

Representative Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1539) recommending that H.R. No. 442 be adopted.

On motion by Representative Tam, seconded by Representative Lee and

carried, the report of the Committee was adopted and H.R. No. 442, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ARRANGE A MEETING TO DISCUSS EDUCATION POLICY WITH DR. JOHN I. GOODLAD, AND THE LEADERSHIP OF THE STATE HOUSE OF REPRESENTATIVES, AND THE CHAIRMAN OF THE HOUSE EDUCATION COMMITTEE", was adopted, with Representative Liu voting no.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1540) recommending that H.R. No. 414, as amended in HD 1, be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 414, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONDUCT AN EVALUATION OF THE PRESENT PROGRAM OF READING AND WRITING INSTRUCTION IN THE PUBLIC SCHOOLS", was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1541) recommending that H.R. No. 419, as amended in HD 1, be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 419, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC LIBRARY ON THE NORTH SHORE OF KAUAI", was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1542) recommending that H.R. No. 106, as amended in HD 1, be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 106, HD 1, entitled: "HOUSE RESOLUTION CONCERNING THE HIGH COST OF PORTABLE CLASSROOMS", was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1543) recommending that H.R. No. 405 be adopted.

On motion by Representative Oka-

mura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 405, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT THE RECOMMENDATIONS OF THE AD HOC COMMITTEE FOR A MANAGEMENT PLAN FOR THE HANAIEI/NORTH SHORE AREA OF KAUAI", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1544) recommending that H.R. No. 426, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 426, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONDUCT AN INTERIM STUDY TO EXAMINE THE EFFECT OF INCREASED COMPETITION IN THE BANKING INDUSTRY", was referred to the Committee on Legislative Management.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1545) recommending that H.R. No. 424, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 424, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONDUCT AN INTERIM STUDY TO EXAMINE THE MECHANICS CERTIFICATION PROGRAM BY THE MOTOR INDUSTRY REPAIR BOARD", was referred to the Committee on Legislative Management.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1546) recommending that H.R. No. 425, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No.

425, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONDUCT AN INTERIM STUDY ON INDEMNIFICATION OF CORPORATE OFFICES AS A MEANS OF RESOLVING THE PROBLEMS FROM THE UNAVAILABILITY OF INSURANCE", was referred to the Committee on Legislative Management.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1547) recommending that H.R. No. 422, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 422, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ENFORCEMENT OF STATE DEPARTMENT OF TRANSPORTATION INSURANCE COVERAGE REQUIREMENTS", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1548) recommending that H.C.R. No. 258, as amended in HD 1, be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 258, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ENFORCEMENT OF STATE DEPARTMENT OF TRANSPORTATION INSURANCE COVERAGE REQUIREMENTS", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1549) recommending that H.R. No. 423 be adopted.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.R. No. 423, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF STATUTORILY REQUIRING REAL ESTATE LICENSEES AND NON-LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1550) recommending that H.C.R. No. 259 be adopted.

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF STATUTORILY REQUIRING REAL ESTATE LICENSEES AND NON-LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS", was adopted.

At 12:07 o'clock p.m., Representative Anderson asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:14 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Cachola.

At 12:15 o'clock p.m., Representative Shon asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of reconsidering action previously taken on certain House bills.

#### RECONSIDERATION OF ACTION TAKEN

Representative Shon moved that the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 1487, seconded by Representative Metcalf and carried.

Representative Shon then gave notice of intention to agree to the amendments proposed by the Senate to H.B. No. 1487.

Representative Metcalf moved that the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 1251, HD 1, seconded by Representative Hagino and carried.

Representative Metcalf then gave notice of intention to agree to the amendments proposed by the Senate to H.B. No. 1251, HD 1.

Representative Andrews moved that

the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 735, HD 1, seconded by Representative Okamura and carried.

Representative Andrews then gave notice of intention to agree to the amendments proposed by the Senate to H.B. No. 735, HD 1.

#### ANNOUNCEMENTS

At this time, Representative Oshiro rose and gave notice of intention to agree to the amendments proposed by the Senate to H.C.R. No. 95.

Representative Bunda rose and requested waiver of the 48-hour notice for hearings on S.C.R. Nos. 80 and 184, and the Chair "so ordered."

Representative Bunda: "Your Committee on Ocean and Marine Resources will be having a hearing at 1:30 in Room 416 on S.C.R. Nos. 80 and 184."

Representative Andrews rose and requested waiver of the 48-hour notice for hearings on S.C.R. Nos. 63 and 138, and the Chair "so ordered."

Representative Andrews: "Your Committee on Planning, Energy and Environmental Protection will be having a public hearing tomorrow morning on these Senate Concurrent Resolutions."

Representative Crozier rose and requested waiver of the 48-hour notice for hearings on various Senate Concurrent Resolutions, and the Chair "so ordered."

At 12:20 o'clock p.m., the House of Representatives stood in recess until 9:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 9:45 o'clock p.m.

The Chair then directed the Clerk to note the presence of Representatives Peters and Taniguchi.

At this time, Representative Kanoho introduced to the members of the House his grandchildren, Paul and Chanel; their mother, Lei; and his wife, Pauline.

## UNFINISHED BUSINESS

Stand. Com. Rep. Nos. 1515 on H.C.R. No. 139, HD 1; 1516 on H.C.R. No. 151, HD 1; and 1517 on H.C.R. No. 152, HD 1:

Representative Bunda moved that the reports of the Committees be adopted and H.C.R. Nos. 139, HD 1; 151, HD 1; 152, HD 1; and 154, HD 1, be adopted, seconded by Representative Oshiro.

Representative Bunda then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Concurrent Resolution Nos. 139, 151 and 152.

"The adoption of these concurrent resolutions will authorize the Department of Land and Natural Resources and the Department of Transportation to lease certain submerged lands in Keehi Lagoon to private persons for reclamation and development into yacht berthing and marina facilities.

"As you are now well aware, these facilities will be essential if Hawaii is chosen to host the prestigious America's Cup. Therefore, I urge the adoption of these resolutions which will also authorize maritime and airport related industrial, commercial, and other recreational developments on the reclaimed lands along Lagoon Drive and on eight acres on the east side of Keehi Lagoon. I feel, Mr. Speaker, that reclamation and development of these lands is essential if we are to successfully lure the America's Cup yacht races to Hawaii and wholeheartedly agree with the intent and purposes of these resolutions, as amended.

"What was not clear to me, however, Mr. Speaker, is the proposal to develop the whole of Keehi Lagoon into a site for commercial and industrial use. We are in the midst of a building boom in the downtown area which is adding a tremendous amount of industrial and commercial space. Why then do we need more of these facilities in one of the few open harbor areas we have -- an area where plans have long been drawn up for extensive and badly needed ocean recreational facilities?

"These concurrent resolutions form a comprehensive package to provide facilities for hosting the America's Cup. They also contain restrictions to safeguard the present and planned recreational activities in Keehi

## Lagoon.

"Mr. Speaker, finally, in the future, the need may arise for expanded use of Keehi Lagoon. But for today, let us stick to the issue at hand -- doing our best to attract the America's Cup in Hawaii.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the reports of the Committees (Stand. Com. Rep. Nos. 1515, 1516 and 1517) were adopted and H.C.R. No. 139, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES"; H.C.R. No. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES"; and H.C.R. No. 152, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES", were adopted.

Stand. Com. Rep. No. 1520 on H.C.R. No. 154, HD 1:

On motion by Representative Bunda, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 154, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES", was adopted.

## STANDING COMMITTEE REPORTS

Representatives Bunda and Levin, for the Committees on Ocean and Marine Resources and Water, Land

Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1551) recommending that H.R. No. 318 be adopted.

On motion by Representative Bunda, seconded by Representative Oshiro and carried, the joint report of the Committees was adopted and H.R. No. 318, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF FUNDING THE CONSTRUCTION OF A SUPER-OUTRIGGER AS A COMMUTER AND INTERISLAND VESSEL", was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1552) recommending that H.R. No. 444 be adopted.

On motion by Representative Tam, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 444, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INVOLVE EVALUATORS EARLY IN THE DEVELOPMENT OF ANY NEW PROGRAM", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1553) recommending that H.R. No. 118 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE OPERATION AND MAINTENANCE PROGRAMS OF ALL PUBLIC BUILDINGS", was adopted, with Representative Say voting no.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1554) recommending that H.C.R. No. 38 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO REVISE ITS OUTDATED FORM ENTITLED 'BOND FOR LOST WARRANT'", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1555) recommending that H.C.R. No. 165 be

adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO CONSTRUCT AND INSTALL SECURITY SCREENS FOR PUBLIC SCHOOLS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1556) recommending that H.R. No. 87 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION RELATING TO THE COLLECTION OF DELINQUENT TAXES", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1557) recommending that H.C.R. No. 128, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 128, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE CONSTRUCTION OF A PERMANENT SIXTEEN CLASSROOM BUILDING AT KAIMILOA ELEMENTARY SCHOOL", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1558) recommending that H.C.R. No. 150 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPROVE PROGRAMS RELATED TO FOOD AND DRUG INSPECTION", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1559) recommending that H.R. No. 88 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 88,

entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF CONSOLIDATING STATE LOAN FUNDS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1560) recommending that H.C.R. No. 48 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF CONSOLIDATING STATE LOAN FUNDS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1561) recommending that H.R. No. 61, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 61, HD 1, entitled: "HOUSE RESOLUTION URGING A UNIFORM EMERGENCY PHONE NUMBER '911' THROUGHOUT THE STATE OF HAWAII", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1562) recommending that H.C.R. No. 34, HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 34, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING A UNIFORM EMERGENCY PHONE NUMBER '911' THROUGHOUT THE STATE OF HAWAII", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1563) recommending that H.R. No. 231 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 231, entitled: "HOUSE RESOLUTION REQUESTING THE INTERNAL REVENUE SERVICE TO RECONSIDER THE ADOPTION OF RESTRICTIVE RULES RELATING TO CERTAIN ACTIVITIES OF NONPROFIT ORGANIZATIONS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1564) recommending that H.C.R. No. 131 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INTERNAL REVENUE SERVICE TO RECONSIDER THE ADOPTION OF RESTRICTIVE RULES RELATING TO CERTAIN ACTIVITIES OF NONPROFIT ORGANIZATIONS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1565) recommending that H.R. No. 239 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 239, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND STUDY OF ALTERNATIVE METHODS OF PROVIDING PARKING ACCOMMODATIONS DURING SESSION FOR NEIGHBOR ISLAND ELECTED OFFICIALS WHO CONDUCT BUSINESS AT THE STATE CAPITOL", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1566) recommending that H.C.R. No. 137 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND STUDY OF ALTERNATIVE METHODS OF PROVIDING PARKING ACCOMMODATIONS DURING SESSION FOR NEIGHBOR ISLAND ELECTED OFFICIALS WHO CONDUCT BUSINESS AT THE STATE CAPITOL", was adopted.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1567) recommending that S.B. No. 1002 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Okamura and carried, the report of the Committee was adopted and S.B. No. 1002, entitled: "A BILL FOR AN

ACT RELATING TO REAL ESTATE", passed Second Reading and was placed on the calendar for Third Reading.

At 9:52 o'clock p.m., Representative D. Ige asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:53 o'clock p.m.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1568) recommending that H.R. No. 46, as amended in HD 1, be adopted.

On motion by Representative D. Ige, seconded by Representative Okamura and carried, the report of the Committee was adopted and H.R. No. 46, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON DRAGON BOAT RACES", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1569) recommending that H.R. No. 451, as amended in HD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.R. No. 451, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE SAFETY OF THE TOXIC MARINE PAINT ADDITIVE TBT", was adopted.

Representative Crozier, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1570) recommending that S.C.R. No. 51 be adopted.

On motion by Representative Crozier, seconded by Representative Okamura and carried, the report of the Committee was adopted and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A SEPARATE STANDARD FEDERAL REGION FOR HAWAII AND THE TERRITORIES AND INSULAR POSSESSIONS IN THE PACIFIC", was adopted.

Representative Crozier, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1571) recommending that S.C.R. No. 93, SD 1, be adopted.

On motion by Representative Crozier, seconded by Representative Okamura and carried, the report of the Committee was adopted and S.C.R. No. 93, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT A MULTI-GOVERNMENT SECTOR COMMITTEE BE FORMED FOR A COORDINATED EFFORT AT DEVELOPING ALTERNATIVE SOLUTIONS TO REDUCE THE NUMBER OF ABANDONED AND DERELICT VEHICLES ON OAHU", was adopted.

Representative Crozier, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1572) recommending that S.C.R. No. 26 be adopted.

On motion by Representative Crozier, seconded by Representative Okamura and carried, the report of the Committee was adopted and S.C.R. No. 26, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR AND HAWAII'S CONGRESSIONAL DELEGATION TAKE IMMEDIATE ACTION TO DEVELOP AND IMPLEMENT AN ACTION PLAN TO EXEMPT PEARL HARBOR NAVAL SHIPYARD FROM THE FEDERAL GOVERNMENT'S NEW COMPETITIVE BIDDING POLICY", was adopted.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1573) recommending that S.C.R. No. 145 be adopted.

On motion by Representative Oshiro, seconded by Representative Bellinger and carried, the report of the Committee was adopted and S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVISE THE BIKEPLAN HAWAII FOR THE SAFE AND EFFECTIVE INTEGRATION OF THE BICYCLE INTO THE STATE TRANSPORTATION SYSTEM", was adopted.

Representative Oshiro, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1574) recommending that S.C.R. No. 113 be adopted.

On motion by Representative Oshiro, seconded by Representative Bellinger and carried, the report of the Committee was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ALLOW THE STATE OF HAWAII TO REGULATE

THE FLIGHT AND ALTITUDE PATTERNS OF HELICOPTERS ENGAGED IN INTRASTATE AIR TRAVEL", was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1575) recommending that H.R. No. 395, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 395, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF THE EXTENT OF TORT CLAIMS AGAINST NONPROFIT SPORTS ORGANIZATIONS AND THEIR VOLUNTEERS IN HAWAII AND ON THE MAINLAND", was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1576) recommending that H.R. No. 151, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 151, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF REGULATING PET LODGES", was adopted.

Representatives Levin, Shito and Oshiro, for the Committees on Water, Land Use, Development and Hawaiian Affairs; Housing and Community Development; and Transportation, presented a joint report (Stand. Com. Rep. No. 1577) recommending that H.R. No. 433 be referred to the Committee on Legislative Management.

On motion by Representative D. Ige, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.R. No. 433, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE REDEVELOPMENT OF HONOLULU'S URBAN WATERFRONT AREA", was referred to the Committee on Legislative Management.

At this point, Representative Anderson rose and stated:

"Mr. Speaker, so I don't have to be repetitious again, will the Clerk do me a favor and put a 'no' vote on all -- from this morning's O.D., on page 7 and page 8, Supplemental Calendar No. 1 and Supplemental Calendar No. 3. Register a 'no' vote on all of

those.

"And would the Clerk do me a favor on Supplemental Calendar No. 2. I would like to have Representative Bunda's statements be inserted into the Journal as my own (by reference only) because I believe that these are necessary; they are going to help move the State forward, and we really can't wait for something like this to hang on for another year, and I..."

Representative Crozier interrupted on a point of order and requested a recess.

At 9:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:15 o'clock p.m., Representative Anderson rose and stated:

"Mr. Speaker, since I was more or less called out of order, I would like a point of information."

Directed by the Chair to "state your point," Representative Anderson inquired:

"Being that the House Rules and Cushings, to the best of my knowledge, does not cover the motion that I made to instruct the Clerk. . .or the move that I made to instruct the Clerk, I would like to get a ruling if it is right or wrong, at this time, to cover all resolutions and concurrent resolutions."

The Chair asked:

"Cover all resolutions and concurrent resolutions?"

Representative Anderson answered:

"On our Order of the Day, from pages 7 and 8, omitting the Senate Bill on page 8. Also, on Supplemental Calendars Nos. 1 and 3. Is it my understanding that the Clerk or the Speaker of the House will make a ruling?"

The Chair responded:

"We will record your 'no' votes, Representative Anderson, as we enact those measures on a page by page basis, as we come up for discussion, and when the Speaker calls for the vote on all those resolutions on that particular page, you can then, at that point, record a 'no' vote on any particular resolution that you want to vote on."

Representative Anderson inquired:

"Then, Mr. Speaker, in order to move the process along, would it be out of order that before any votes are taken, that I could record, or anyone, because there is no precedence -- I don't want to set a precedence. I want to make sure that we do this fair and above-board, and since there is no other ruling on the books, if, in fact then, that beginning a Supplemental Calendar before the votes are taken, could I then blanket everything at that time rather than go through each and every one, or wait until later if I have a point that I would like to make?"

The Chair responded:

"If the subject matter is what we are discussing at the moment and you wish to record a 'no' vote prior to we taking the votes on that page, you may do so."

Representative Anderson said:

"Then I would like to thank you, Mr. Speaker, and I am sorry to have taken up any time. As I said, I didn't want to set a precedence. I do want to make sure that if it is not in the rules, that we know where we're going and where we're coming from.

"Thank you very much."

At 10:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:22 o'clock p.m.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1578) recommending that S.B. No. 1283, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 1283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hirono, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1579) recommending that S.B. No. 1284, SD 1, pass Second Reading and be placed on the

calendar for Third Reading.

On motion by Representative Hiraki, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 1284, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT LIFE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 448, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1001, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1224, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 444, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 393, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 419:

By unanimous consent, action was deferred one day.

S.B. No. 522:

By unanimous consent, action was deferred one day.

S.B. No. 525, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 632, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 727, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 877, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 956, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1023, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1526, SD 2:

By unanimous consent, action was deferred one day.

S.B. No. 450:

By unanimous consent, action was deferred one day.

S.B. No. 451:

By unanimous consent, action was deferred one day.

S.B. No. 521:

By unanimous consent, action was deferred one day.

S.B. No. 452, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 11, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 216, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 368:

By unanimous consent, action was deferred one day.

S.B. No. 366, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 365, SD 1:

By unanimous consent, action was deferred one day.

#### ANNOUNCEMENTS

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

Representative Andrews requested waiver of the 48-hour notice for hearings on S.C.R. Nos. 10, 90, 149 and 158, and the Chair "so ordered."

Representative Andrews: "Those resolutions just mentioned will be added to tomorrow's Planning, Energy and Environmental Protection's hearing to be scheduled at 10:00 a.m."

Representative Marumoto then introduced Mr. Ed Aotani, "a prominent architect in our town and a pillar of our community."

At 10:25 o'clock p.m., Representative Apo asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:27 o'clock p.m.

At this time, Representative Apo moved "to keep the Journal open until midnight for the Clerk to receive Conference Committee Reports of the said time in order to comply with the constitutional 48-hour availability requirement before passage of bills on Final Reading," seconded by Representative Anderson and carried.

At 10:29 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

#### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made earlier, the following Conference Committee Reports were received in the Clerk's Office:

Representatives Shon and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 464, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 2) recommending to the respective Houses the final passage of the bill with certain amendments.

Representative Shon, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1025, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 3) recommending to the respective Houses the final passage of the bill with certain amendments.

Representatives Shon and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 889, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 4) recommending to the respective Houses the final passage of the bill with certain amendments.

Representative Shon, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 681, SD 1, presented a report (Conf. Com. Rep. No. 5) recommending to the respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 469, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 6) recommending to the respective Houses the final passage of the bill with certain amendments.

Representatives Hirono and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 808, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 7) recommending to the respective Houses the final passage of the bill with certain amendments.

Representatives Hagino and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 536, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 8) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Crozier, Yoshimura and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1156, SD 2, presented a report (Conf. Com. Rep. No. 9) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Oshiro and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1748, 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.

Representative Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 741, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 11) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Hagino and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1514, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 12) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Andrews, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 377, SD 1, presented a report (Conf. Com. Rep. No. 13) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Andrews and Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 654, 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.

Representatives Andrews and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1209, 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.

Representatives Andrews, Shon and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 378, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 16) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Oshiro and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1172, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 17) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Shon and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 350, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 18) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Bellinger, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 241, 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.

Representatives Tam and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 787, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 20) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1765, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 21) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Taniguchi and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 750, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 22) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 559, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 23) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Shito and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1729, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 24) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1841, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 25) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Fukunaga, Hagino and Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1318, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 26) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Andrews and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 652, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 27) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1154, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 28) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1138, SD 1, presented a report (Conf. Com. Rep. No. 29) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Bunda and Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 456, 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.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 371, 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.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1227, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 32) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Takamine and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 369, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 33) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 489, 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.

Representative Hagino, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 957, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 35) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 24, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 36) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1395, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 37) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 341, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 38) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Crozier, Hagino, Metcalf and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 5, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 39) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Levin and Andrews, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1849, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 40) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Shon and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1007, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 41) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Shon and Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 815, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 42) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Shon, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 619, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 43) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1525, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 44) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 45) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 208, SD 1, presented a report (Conf. Com. Rep. No. 46) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the

Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 498, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 47) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Metcalf and Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 872, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 48) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 492, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 49) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Hirono and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1288, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 50) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Takamine and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1072, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 51) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 242, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 52) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 410, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the

Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 785, HD 1, presented a report (Conf. Com. Rep. No. 54) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1529, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 55) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1073, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 56) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 993, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 57) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1163, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 58) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1142, HD 1, presented a report (Conf. Com. Rep. No. 59) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1002, SD 1, presented a report (Conf. Com. Rep. No. 60) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Levin, for the Committee on Conference on the

disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 92, HD 1, presented a report (Conf. Com. Rep. No. 61) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Hirono and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 348, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 62) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Hirono and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 361, SD 3, HD 1, presented a report (Conf. Com. Rep. No. 63) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 389, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 64) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 420, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 65) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Shon and Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 518, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 66) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 545, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 67) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 1278, HD 1, presented a report (Conf. Com. Rep. No. 68) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Souki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1713, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 69) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Andrews and Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 481, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 70) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Takamine and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 432, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 71) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 447, HD 1, presented a report (Conf. Com. Rep. No. 72) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1660, HD 1, presented a report (Conf. Com. Rep. No. 73) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 97, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 74) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the

disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 903, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 75) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1521, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 76) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1244, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 77) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1931, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 78) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 521, SD 1, presented a report (Conf. Com. Rep. No. 79) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1907, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 80) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 951, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 81) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the

amendments proposed by the Senate in H.B. No. 121, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 82) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1270, SD 1, presented a report (Conf. Com. Rep. No. 83) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 922, SD 1, presented a report (Conf. Com. Rep. No. 84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 576, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 85) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 141, HD 1, presented a report (Conf. Com. Rep. No. 86) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Metcalf and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 154, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 87) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 255, HD 1, presented a report (Conf. Com. Rep. No. 88) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in

S.B. No. 1446, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 89) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 4, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 90) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 431, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 91) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. Nos. 2 on H.B. No. 464, HD 1, SD 1, CD 1; 3 on H.B. No. 1025, HD 1, SD 1, CD 1; 4 on H.B. No. 889, HD 2, SD 1, CD 1; 5 on H.B. No. 681, SD 1, CD 1; 6 on S.B. No. 469, SD 1, HD 1, CD 1; 7 on S.B. No. 808, SD 2, HD 2, CD 1; 8 on H.B. No. 536, HD 1, SD 1, CD 1; 9 on H.B. No. 1156, SD 2, CD 1; 10 on S.B. No. 1748, SD 1, HD 1, CD 1; 11 on H.B. No. 741, HD 1, SD 1, CD 1; 12 on H.B. No. 1514, HD 2, SD 2, CD 1; 13 on H.B. No. 377, SD 1, CD 1; 14 on H.B. No. 654, HD 1, SD 1, CD 1; 15 on H.B. No. 1209, HD 1, SD 1, CD 1; 16 on H.B. No. 378, HD 2, SD 1, CD 1; 17 on S.B. No. 1172, SD 1, HD 1, CD 1; 18 on S.B. No. 350, SD 1, HD 2, CD 1; 19 on S.B. No. 241, SD 1, HD 1, CD 1; 20 on S.B. No. 787, SD 1, HD 1, CD 1; 21 on S.B. No. 1765, SD 1, HD 2, CD 1; 22 on H.B. No. 750, HD 1, SD 2, CD 1; 23 on S.B. No. 559, SD 1, HD 1, CD 1; 24 on S.B. No. 1729, SD 1, HD 2, CD 1; 25 on H.B. No. 1841, HD 2, SD 1, CD 1; 26 on S.B. No. 1318, SD 2, HD 2, CD 1; 27 on H.B. No. 652, HD 2, SD 2, CD 1; 28 on S.B. No. 1154, SD 1, HD 2, CD 1; 29 on H.B. No. 1138, SD 1, CD 1; 30 on S.B. No. 456, SD 1, HD 2, CD 1; 31 on H.B. No. 371, HD 1, SD 1, CD 1; 32 on H.B. No. 1227, HD 2, SD 2, CD 1; 33 on H.B. No. 369, HD 1, SD 1, CD 1; 34 on H.B. No. 489, HD 1, SD 1, CD 1; 35 on S.B. No. 957, SD 1, HD 1, CD 1; 36 on S.B. No. 24, SD 1, HD 1, CD 1; 37 on S.B. No. 1395, SD 1, HD 1, CD 1; 38 on S.B. No. 341, SD 1, HD 1, CD 1; 39 on S.B. No. 5, SD 2, HD 3, CD 1; 40 on H.B. No. 1849, HD 1, SD 1, CD 1;

41 on S.B. No. 1007, SD 1, HD 2, CD 1; 42 on S.B. No. 815, SD 1, HD 2, CD 1; 43 on S.B. No. 619, SD 1, HD 1, CD 1; 44 on S.B. No. 1525, SD 2, HD 1, CD 1; 46 on H.B. No. 208, SD 1, CD 1; 47 on H.B. No. 498, HD 1, SD 1, CD 1; 48 on H.B. No. 872, HD 1, SD 1, CD 1; 49 on H.B. No. 492, HD 1, SD 1, CD 1; 50 on S.B. No. 1288, SD 1, HD 1, CD 1; 51 on S.B. No. 1072, SD 1, HD 2, CD 1; 52 on S.B. No. 242, SD 1, HD 1, CD 1; 53 on H.B. No. 410, HD 1, SD 1, CD 1; 54 on S.B. No. 785, HD 1, CD 1; 55 on H.B. No. 1529, HD 1, SD 1, CD 1; 56 on H.B. No. 1073, HD 1, SD 1, CD 1; 57 on S.B. No. 993, SD 1, HD 1, CD 1; 58 on S.B. No. 1163, SD 1, HD 1, CD 1; 59 on S.B. No. 1142, HD 1, CD 1; 60 on H.B. No. 1002, SD 1, CD 1; 61 on S.B. No. 92, HD 1, CD 1; 62 on S.B. No. 348, SD 1, HD 1, CD 1; 63 on S.B. No. 361, SD 3, HD 1, CD 1; 64 on S.B. No. 389, SD 1, HD 1, CD 1; 65 on S.B. No. 420, SD 1, HD 1, CD 1; 66 on S.B. No. 518, SD 2, HD 2, CD 1; 67 on S.B. No. 545, SD 1, HD 1, CD 1; 68 on S.B. No. 1278, HD 1, CD 1; 69 on S.B. No. 1713, SD 2, HD 1, CD 1; 70 on S.B. No. 481, SD 1, HD 1, CD 1; 71 on S.B. No. 432, SD 2, HD 1, CD 1; 72 on S.B. No. 447, HD 1, CD 1; 73 on S.B. No. 1660, HD 1, CD 1; 74 on S.B. No. 97, SD 1, HD 1, CD 1; 75 on H.B. No. 903, HD 1, SD 1, CD 1; 76 on H.B. No. 1521, HD 1, SD 1, CD 1; 77 on H.B. No. 1244, HD 1, SD 1, CD 1; 78 on H.B. No. 1931, HD 1, SD 1, CD 1; 79 on H.B. No. 521, SD 1, CD 1; 80 on H.B. No. 1907, HD 1, SD 1, CD 1; 81 on H.B. No. 951, HD 1, SD 2, CD 1; 82 on H.B. No. 121, HD 1, SD 2, CD 1; 83 on H.B. No. 1270, SD 1, CD 1; 84 on H.B. No. 922, SD 1, CD 1; 85 on S.B. No. 576, SD 1, HD 1, CD 1; 86 on S.B. No. 141, HD 1, CD 1; 87 on S.B. No. 154, SD 2, HD 2, CD 1; 88 on S.B. No. 255, HD 1, CD 1; 89 on S.B. No. 1446, SD 1, HD 1, CD 1; 90 on H.B. No. 4, HD 2, SD 1, CD 1; and 91 on S.B. No. 432, SD 1, HD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 464, HD 1, SD 1, CD 1; 1025, HD 1, SD 1, CD 1; 889, HD 2, SD 1, CD 1; 681, SD 1, CD 1; S.B. Nos. 469, SD 1, HD 1, CD 1; 808, SD 2, HD 2, CD 1; H.B. Nos. 536, HD 1, SD 1, CD 1; 1156, SD 2, CD 1; S.B. No. 1748, SD 1, HD 1, CD 1; H.B. Nos. 741, HD 1, SD 1, CD 1; 1514, HD 2, SD 2, CD 1; 377, SD 1, CD 1; 654, HD 1, SD 1, CD 1; 1209, HD 1, SD 1, CD 1; 378, HD 2, SD 1, CD 1; S.B. Nos. 1172, SD 1, HD 1, CD 1; 350, SD 1, HD 2; CD 1; 241, SD 1, HD 1,

CD 1; 787, SD 1, HD 1, CD 1; 1765, SD 1, HD 2, CD 1; H.B. No. 750, HD 1, SD 2, CD 1; S.B. Nos. 559, SD 1, HD 1, CD 1; 1729, SD 1, HD 2, CD 1; H.B. No. 1841, HD 2, SD 1, CD 1; S.B. No. 1318, SD 2, HD 2, CD 1; H.B. No. 652, HD 2, SD 2, CD 1; S.B. No. 1154, SD 1, HD 2, CD 1; H.B. No. 1138, SD 1, CD 1; S.B. No. 456, SD 1, HD 2, CD 1; H.B. Nos. 371, HD 1, SD 1, CD 1; 1227, HD 2, SD 2, CD 1; 369, HD 1, SD 1, CD 1; 489, HD 1, SD 1, CD 1; S.B. Nos. 957, SD 1, HD 1, CD 1; 24, SD 1, HD 1, CD 1; 1395, SD 1, HD 1, CD 1; 341, SD 1, HD 1, CD 1; 5, SD 2, HD 3, CD 1; H.B. No. 1849, HD 1, SD 1, CD 1; S.B. Nos. 1007, SD 1, HD 2, CD 1; 815, SD 1, HD 2, CD 1; 619, SD 1, HD 1, CD 1; 1525, SD 2, HD 1, CD 1; H.B. Nos. 208, SD 1, CD 1; 498, HD 1, SD 1, CD 1; 872, HD 1, SD 1, CD 1; 492, HD 1, SD 1, CD 1; S.B. Nos. 1288, SD 1, HD 1, CD 1; 1072, SD 1, HD 2, CD 1; 242, SD 1, HD 1, CD 1; H.B. No. 410, HD 1, SD 1, CD 1; S.B. No. 785, HD 1, CD 1; H.B. Nos. 1529, HD 1, SD 1, CD 1; 1073, HD 1, SD 1, CD 1; S.B. Nos. 993, SD 1, HD 1, CD 1; 1163, SD 1, HD 1, CD 1; 1142, HD 1, CD 1; H.B.

No. 1002, SD 1, CD 1; S.B. Nos. 92, HD 1, CD 1; 348, SD 1, HD 1, CD 1; 361, SD 3, HD 1, CD 1; 389, SD 1, HD 1, CD 1; 420, SD 1, HD 1, CD 1; 518, SD 2, HD 2, CD 1; 545, SD 1, HD 1, CD 1; 1278, HD 1, CD 1; 1713, SD 2, HD 1, CD 1; 481, SD 1, HD 1, CD 1; 432, SD 2, HD 1, CD 1; 447, HD 1, CD 1; 1660, HD 1, CD 1; 97, SD 1, HD 1, CD 1; H.B. Nos. 903, HD 1, SD 1, CD 1; 1521, HD 1, SD 1, CD 1; 1244, HD 1, SD 1, CD 1; 1931, HD 1, SD 1, CD 1; 521, SD 1, CD 1; 1907, HD 1, SD 1, CD 1; 951, HD 1, SD 2, CD 1; 121, HD 1, SD 2, CD 1; 1270, SD 1, CD 1; 922, SD 1, CD 1; S.B. Nos. 576, SD 1, HD 1, CD 1; 141, HD 1, CD 1; 154, SD 2, HD 2, CD 1; 255, HD 1, CD 1; 1446, SD 1, HD 1, CD 1; H.B. No. 4, HD 2, SD 1, CD 1; and S.B. No. 431, SD 1, HD 1, CD 1, were made available to the members of the House.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m. on Monday, April 27, 1987.

## SIXTIETH DAY

Monday, April 27, 1987

The House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 10:33 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Dr. John Norris, Executive Coordinator of the Hawaii Council of Churches, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Ninth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 891 to 963) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 891) transmitting Senate Concurrent Resolution No. 2, SD1, requesting a study of the possible formation of a second public defender program, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 2, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 892) transmitting Senate Concurrent Resolution No. 7, SD1, supporting the contention that Kaula Rock is within the jurisdiction of the County of Kauai, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 7, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 893) transmitting Senate Concurrent Resolution No. 10, SD1, calling on the Department of Health to fulfill its duties in ensuring a clean air environment, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 10, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 894) transmitting Senate Concurrent Resolution No. 28, urging the Congress of the United States to include native Hawaiians in the definition of native American and extend to native Hawaiians eligibility in all programs affected by such definition without prejudice, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 28, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 895) transmitting Senate Concurrent Resolution No. 32, authorizing the Department of Land and Natural Resources to dispose by way of an easement, certain government submerged lands and lands beneath tidal waters for purposes of constructing certain offshore improvements, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 32, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 896) transmitting Senate Concurrent Resolution No. 33, authorizing the Department of Land and Natural Resources to dispose by way of an easement, certain government submerged lands and lands beneath tidal waters for purposes of constructing certain offshore improvements, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 33, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 897) transmitting Senate Concurrent Resolution No. 45, SD1, expressing the support of the Hawaii State Legislature for United States Senate Bill 360, a bill to improve the educational status of native Hawaiians, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 45, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 898) transmitting Senate Concurrent Resolution No. 46,

SD1, expressing support for United States Senate Bill 136, a bill to improve the health status of native Hawaiians, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 46, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 899) transmitting Senate Concurrent Resolution No. 47, requesting the Attorney General to review Article III, Section 8 of the State Constitution for alternative employment with state agencies by legislators, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 47, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 900) transmitting Senate Concurrent Resolution No. 88, requesting a review of the "Ohana Zoning" law, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 88, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 901) transmitting Senate Concurrent Resolution No. 90, requesting the Office of Environmental Quality Control to monitor and co-ordinate the progress of pesticide action plans developed under Act 275, Session Laws of Hawaii, 1984, as amended by Act 127, Session Laws of Hawaii, 1985, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 90, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 902) transmitting Senate Concurrent Resolution No. 96, requesting that the Legislative Reference Bureau compile all Hawaii statutes providing for civil penalties, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 96, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 903) transmitting Senate Concurrent Resolution No.

105, concerning a land exchange in Waiahole Valley, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 105, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 904) transmitting Senate Concurrent Resolution No. 110, requesting the Department of Health to submit a report, a plan, and a budget for placing responsibility for inpatient services in the community mental health centers, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, S.C.R. No. 110, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 905) transmitting Senate Concurrent Resolution No. 128, requesting a study of health fund benefit costs for retired state and county employees, alternate funding sources and recommendations, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 128, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 906) transmitting Senate Concurrent Resolution No. 137, requesting a financial audit of the Office of Hawaiian Affairs, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 137, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 907) transmitting Senate Concurrent Resolution No. 144, requesting study on foreclosures, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 144, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 908) transmitting Senate Concurrent Resolution No. 149, requesting that the Department of Health investigate and report on procedures and facilities for future response to possible contamination of marine food products in the event that Hawaii's coastal shores and

waters are affected by oil spills and other pollution, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 149, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 909) transmitting Senate Concurrent Resolution No. 150, requesting that the Department of Land and Natural Resources aquatic resources division investigate and report on procedures for monitoring the loss of marine life caused by pollution of coastal waters, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 150, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 910) transmitting Senate Concurrent Resolution No. 152, requesting the Department of Health to improve programs related to food and drug inspection, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 152, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 911) transmitting Senate Concurrent Resolution No. 158, SD1, requesting the Legislative Reference Bureau to review the Department of Health's administrative rules on solid wastes management control, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 158, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 912) transmitting Senate Concurrent Resolution No. 160, requesting a study to determine the feasibility of and available options for establishing a state-wide geographic information system, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 160, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 913) transmitting Senate Concurrent Resolution No. 48, SD1, requesting the establishment of

a Pacific tourism training institute within the School of Travel Industry Management at the University of Hawaii-Manoa, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 48, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 914) transmitting Senate Concurrent Resolution No. 111, SD1, requesting the University of Hawaii to transfer the jurisdiction of Leahi Hospital to the Department of Health, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 111, SD1, was placed later on the calendar.

A communication from the Senate (Sen. Com. No. 915) transmitting Senate Concurrent Resolution No. 117, SD1, requesting the Department of Land and Natural Resources to develop and submit an interim plan for Haena State Park, which was adopted in the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 117, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 916) transmitting Senate Concurrent Resolution No. 120, requesting the Legislative Auditor to conduct an evaluation of human service programs within the Department of Social Services and Housing, Department of Health, Executive Office on Aging, Office of Children and Youth, and the Department of Labor and to make recommendations on possible transfers of certain programs to other departments, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 120 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 917) transmitting Senate Concurrent Resolution No. 155, SD1, requesting a report on the Keehi Lagoon Recreation Area, which was adopted by the Senate on April 24, 1987, was placed on file.

By unanimous consent, action on S.C.R. No. 155, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 918) informing the House that that Senate Bill No. 1325, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", had passed Final Reading in the Senate on April 24, 1987, in the amended form, (HD1), was placed on file.

A communication from the Senate (Sen. Com. No. 919) informing the House that Senate Bill No. 1744, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Final Reading in the Senate on April 24, 1987, in the amended form, (HD1), was placed on file.

A communication from the Senate (Sen. Com. No. 920) informing the House that the following conference drafts had passed Final Reading in the Senate on April 24, 1987, was placed on file:

Senate Bill:

1748, SD1, HD1, CD1

House Bills:

464, HD1, SD1, CD1; and  
889, HD2, SD1, CD1

A communication from the Senate (Sen. Com. No. 921) informing the House that on April 24, 1987, the Senate had reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD1) proposed by the House to Senate Bill No. 526, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 922) informing the House that on April 24, 1987, the Senate had reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD1) proposed by the House to Senate Bill No. 767, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 923) informing the House that on April 24, 1987, the Senate had reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD1) proposed by the House to Senate Bill No. 1289, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 924) informing the House that on April 24, 1987, the Senate had reconsidered its action taken on April 9, 1987, in disagreeing to the amendments (HD1) proposed by the House on Senate Bill No. 1472, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 925) returning House Concurrent Resolution No. 6, HD1, declaring Hawaii's commitment to attain an effective, shared management role with the federal government in the exclusive economic zone, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 926) returning House Concurrent Resolution No. 9, HD1, requesting a report on the efforts of the hospitals to control costs and the results of the efforts, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 927) returning House Concurrent Resolution No. 18, HD2, relating to the "Old Government Road" at Diamond Head, Oahu, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 928) returning House Concurrent Resolution No. 22, HD1, urging the United States Congress to support legislation that provide comprehensive health care services to native Hawaiians, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 929) returning House Concurrent Resolution No. 29, requesting enforcement of the minimum speed limit, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 930) returning House Concurrent Resolution No. 36, requesting progress in the development of alternate energy sources in Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 931) returning House Concurrent Resolution No. 50, relating to increasing recognition for Hawaii National Guard, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 932) returning House Concurrent Resolution No. 55, requesting a study on the feasibility of a land exchange between the State and the Alexander and Baldwin, Inc., for the present twenty-four acre site of the Maui County Fairgrounds in Kahului, which was adopted by the Senate on April 24, 1987, was placed

on file.

A communication from the Senate (Sen. Com. No. 933) returning House Concurrent Resolution No. 57, requesting removal of the entrance fees for Hawaii Volcanoes National Park, Haleakala National Park, and Pu'uohonua O Honaunau National Historical Park for residents of the State of Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 934) returning House Concurrent Resolution No. 63, requesting Congress to amend the Medicaid law to liberalize the provisions concerning the transfer of income and assets between and disregard of income and assets of spouses when one requires long-term care institutionalization, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 935) returning House Concurrent Resolution No. 64, HD1, relating to physical therapists serving handicapped children in the public schools, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 936) returning House Concurrent Resolution No. 77, HD1, authorizing the Department of Land and Natural Resources to dispose by way of an easement, certain government submerged lands and lands beneath tidal waters for purposes of constructing certain offshore improvements, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 937) returning House Concurrent Resolution No. 92, requesting the support of Hawaii's congressional delegation for the restoration of federal funds for ocean research, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 938) returning House Concurrent Resolution No. 94, requesting a study on the feasibility of an intensive surveillance program in Hawaii as an alternative to incarceration, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 939) returning House

Concurrent Resolution No. 96, HD1, requesting a report on transitional stages in services for handicapped individuals, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 940) returning House Concurrent Resolution No. 101, requesting the Traffic Violations Bureau to evaluate their handling of jurors' and witnesses' parking tickets, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 941) returning House Concurrent Resolution No. 104, urging congressional support for the development of a state-of-the-art applied aquaculture research facility at the Oceanic Institute, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 942) returning House Concurrent Resolution No. 110, requesting the University of Hawaii to develop and implement an educational assessment program, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 943) returning House Concurrent Resolution No. 133, HD1, concerning a land exchange to benefit Waimea School, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 944) returning House Concurrent Resolution No. 135, HD1, concerning a land exchange to benefit Waimea School, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 945) returning House Concurrent Resolution No. 145, HD1, urging support for the development of agricultural programs in the American Pacific, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 946) returning House Concurrent Resolution No. 148, HD1, requesting the Department of Agriculture to evaluate its produce, feed, egg, meat and poultry inspection, pesticide enforcement and plant quarantine programs, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 947) returning House Concurrent Resolution No. 166, HD1, requesting encouragement and assistance to those wishing to make an organ donation, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 948) returning House Concurrent Resolution No. 172, requesting the Office of Environmental Quality Control to monitor and co-ordinate the progress on pesticide action plans developed under Act 275, Session Laws of Hawaii, 1984, as amended by Act 127, Session Laws of Hawaii, 1985, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 949) returning House Concurrent Resolution No. 173, HD1, requesting the Department of Health to test dispersants, develop recommendations on stockpiling dispersants best suited for Hawaiian waters and establish more efficient operating procedures in the event of an oil spill, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 950) returning House Concurrent Resolution No. 183, HD1, urging Congress to oppose the Reagan Administration proposal to lower the price support level for sugar to 12 cents per pound, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 951) returning House Concurrent Resolution No. 185, HD1, requesting a study of the effects of reorganizing the administrative structure of the Department of Social Services and Housing which serves the Big Island of Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 952) returning House Concurrent Resolution No. 201, HD1, requesting a task force be established to examine the development of Kapolei as a second city, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 953) returning House Concurrent Resolution No. 207, HD1, requesting a study of educational programs in maritime-related fields, which was adopted by the Senate on

April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 954) returning House Concurrent Resolution No. 221, concerning the management and funding of the Natural Area Reserves System, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 955) returning House Concurrent Resolution No. 222, requesting the Director of the Department of Planning and Economic Development to sponsor a conference on renewable energy systems, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 956) returning House Concurrent Resolution No. 225, requesting that Hawaii's congressional delegation support the restoration of federal funds for continued operation of the newly established regional aquaculture centers program in the United States Department of Agriculture, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 957) returning House Concurrent Resolution No. 232, HD1, requesting the Department of Health to continue to study the problem of providing medical care to indigents in Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 958) returning House Concurrent Resolution No. 234, requesting that the Governor of Hawaii proclaim 1988 as the year of telecommunications in the State of Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 959) returning House Concurrent Resolution No. 236, HD1, urging that the Department of Health, in cooperation with the Department of Transportation determine the necessary rules, legislation and environmental impact determination and protection procedures regarding the discharge or leakage of water pollutants from vessels into or upon state waters, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 960) returning House

Concurrent Resolution No. 237, requesting that the Governor and the Mayors of Hawaii, Honolulu, Kauai and Maui proclaim the month of May 1987 as Hokule'a month, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 961) returning House Concurrent Resolution No. 238, requesting a study of the feasibility of developing a Hawaii oceanbook, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 962) returning House Concurrent Resolution No. 256, HD1, directing the high technology development corporation to work with telecommunications carriers to identify the legal and economic incentives necessary to promote the growth of telecommunications infrastructure in the State of Hawaii, which was adopted by the Senate on April 24, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 963) returning House Concurrent Resolution No. 267, requesting a review of the applicability of Chapter 343, HRS, which was adopted by the Senate on April 24, 1987, was placed on file.

At 10:38 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:50 o'clock a.m.

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

Representative Apo introduced the Honorable Elias H. Thomas, member of the Congress of the Federated States of Micronesia. He serves as chairman of the banking board of the Federated States of Micronesia and also chairs their subcommittee on external affairs.

Representative Marumoto introduced Ms. June Amiker, member of the Oahu League of Republican Women.

Representative Horita, on behalf of Representative Crozier and herself, introduced Miss Elena Gomes, a former constituent of Representative Crozier and now a resident in Representative Horita's district.

Representative Alcon introduced the

Honorable Judge Marcelino Francisco of the National District Court of the Philippines and Vice Mayor of the City of Laoag.

#### 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>
2	Committee on Judiciary
7	Committee on Intergovernmental Relations
10	Committee on Planning, Energy and Environmental Relations
28	Committee on Water, Land Use, Development and Hawaiian Affairs
32	Committee on Ocean and Marine Resources
33	Committee on Ocean and Marine Resources
45	Committee on Water, Land Use, Development and Hawaiian Affairs
46	Committee on Water, Land Use, Development and Hawaiian Affairs
47	Committee on Judiciary
88	Committee on Housing and Community Development
90	Committee on Planning, Energy and Environmental Protection
96	Committee on Judiciary
105	Committee on Water, Land Use, Development and Hawaiian Affairs
110	Committee on Health
128	Committee on Labor and Public Employment
137	Committee on Water, Land Use, Development and Hawaiian Affairs
144	Committee on Judiciary
149	Committee on Planning, Energy and Environmental Protection

- 150 Committee on Ocean and Marine Resources
- 152 Committee on Health
- 158 Committee on Planning, Energy and Environmental Protection
- 160 Committee on Planning, Energy and Environmental Protection
- 48 Committee on Higher Education and the Arts
- 111 Committee on Higher Education and the Arts
- 117 Committee on Water, Land Use, Development and Hawaiian Affairs
- 120 Committee on Human Services
- 155 Committee on Ocean and Marine Resources

#### COMMITTEE REASSIGNMENTS

Senate Concurrent Resolution No. 54 was re-referred to the Committee on Water, Land Use, Development and Hawaiian Affairs.

House Resolution No. 447 was re-referred to the Committee on Judiciary.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of considering bills on Final and Third Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 45 on H.B. No. 2, HD1, SD1, CD1:

Representative Souki moved that the report of the Committee be adopted and H.B. No. 2, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Souki rose to speak in favor of the bill, stating:

"Mr. Speaker, in the interest of time and knowing there's going to be

much debate on this subject, I would wish that you would provide for the members of the Finance Committee to allow the floor speech on the budget to be included in the Journal and, Mr. Speaker, if I can add a few remarks.

"I would like to thank all the committee members for your patience, your hardwork, and your tolerance in going through the laborious budget process. I also would want to thank all the subject committee chairmen for their participation and input into the process which, without their participation, would have made the process very difficult for both the committee and the chairman.

"And finally, Mr. Speaker and members, I wish to thank all the staff. Unfortunately, I don't see the staff here; I believe they are still working on the budget--for working literally twenty-four hours a day continually on this budget, sleeping in the office and doing their best and, considering what we are paying them, I think they should be given all gold medallions for the hard work that they have been doing. And Mr. Speaker, I wish to thank this Body which I'm sure they will approve this (budget) in spite of a few objections --I see them smiling across the floor.

"Thank you very much."

The written remarks of Representative Souki, in favor of the bill, are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2, HD1, SD1, CD1, 'A Bill for an Act Relating to the State Budget.'

"Mr. Speaker, this bill before us stands as a legislative achievement for two reasons.

"First of all, Mr. Speaker, this budget bill is the result of an open budget process in which the members of the committee had the fullest opportunity to participate in budget decisionmaking. It is also a budget in which the subject matter chairman were included to a much greater extent than in the past.

"Mr. Speaker, this budget marks the beginning of a new era for Hawaii.

"For the first time, over \$16 million is being provided for tourism recognizing the importance of this industry to our economy. With this money, we expect the Department of Planning

and Economic Development to establish a full-blown tourism marketing and promotion program for foreign and domestic markets. Further, as part of our ongoing legislative responsibility, we will closely monitor the program development and expenditure plan established by the department to ensure the most effective use of the funds.

"We also took a major step to boost Hawaii as an economic center by giving \$5.3 million for the marketing and promoting of this State as a place to do business. In addition, diversified agriculture will be supported through promotional funds for the various industries.

"In education, major action was taken to impact the quality of public education. Among the most important actions are:

\$12 million over two years to reduce the class size in kindergarten and first grade classes from 26 to 20 pupils per class;

\$2 million for an educational superfund, giving the superintendent flexibility to use the funds for priority items which directly benefit students; and

\$2.4 million for strengthening instruction on the core subjects; expanded funding for a teacher in-service program so that our teachers can have ongoing development and training support.

For the University of Hawaii, funds have been provided for:

the establishment of a new college of marine and earth sciences and technology; and

and another \$20 million has been allocated throughout the university in keeping with the Board of Regents' priority requests for funding.

For Human Services:

more than \$6 million was added over the biennium for human services including child abuse prevention and treatment, sex assault treatment, and other family support services;

the flat-grant system of welfare payment was adjusted this year to include shelter allowance in the basic flat grant. We also increased the benefits by 10%; and

just as important, we established a voluntary workfare program which will allow those on welfare to become employed thereby allowing them to become financially independent.

For our consumers:

a securities fraud unit that has been established through funding to protect our citizens from fraudulent schemes and to vigorously prosecute those who run such operations.

"Mr. Speaker, members of the House, House Bill No. 2, HD1, SD1, CD1, funds the future direction of our state, a direction that breaks with the past.

"Mr. Speaker, the passage of this budget will give us a strong foundation from which our citizens will be able to realize the fullest possibility of life in this state.

"Mr. Speaker, members of the House, I urge you to vote for House Bill No. 2, HD1, SD1, CD1."

Representative Hemmings then rose and stated:

"Mr. Speaker, in the interest of time especially in view of the fact that we're facing problems without having major legislation and the possibility of an extension or special session, I would like to have my comments, speaking against the budget, inserted into the Journal," and the Chair, noting that there were no objections, "so ordered."

The remarks of Representative Hemmings, against the bill, are as follows:

"Mr. Speaker, I rise to speak against the bill. This bill represents 'business as usual' with no concerted effort being made to responsibly and prudently utilize taxpayers' hard-earned money.

"The continued increase in the size and cost of our state government is detrimental to the workers and producers of Hawaii. There is evidence of inefficiency and even fiscal malfeasance in the way state government spends money. The state is spending more money while services provided to our people leave much to be desired. Year in and year out, we are spending extravagant amounts of money on education, health, environment, transportation, corrections and numerous other government services.

Can we honestly say the taxpayers are getting what they are paying for? I say no, and I vote 'no' on this budget."

Representative Tam then rose to speak in favor of the bill, stating:

"Mr. Speaker and fellow members, I have already sent to you a list of the new teachers, counselors and support personnel which were provided to the schools in your districts through the appropriations in the House budget. I am pleased to report to you, today, that all of those positions are intact in this budget, except for the security guards which were deleted by the other body.

"When you report to your constituents on the results of this year's session, you may take great pride in the House of Representatives budget for the public schools and libraries which is retained in this final version of the budget. The House budget was the result of a process involving consultation and coordination with the Board of Education and the Superintendent. The House budget carefully followed the priorities of the Board of Education and was based on many months of input from administrators, parents, teachers, and the general public and also, yes you, my colleagues, as expressed in the legislative hearings and at meetings of the Board of Education.

"This budget was not based on a magic number, pulled out of the air as was suggested to by the Board of Education and the Legislature, but rather on a process of careful analysis and free and open communication between everyone committed to achieving quality education for Hawaii's children.

"You may report to your constituents that 379 additional teachers and counselors and 64 educational assistants have been provided in this budget for the public schools. Also, 158 support positions have been added, including:

1. Registrars;
2. Clericals for the schools;
3. Students Activity Coordinators;
4. Vice Principals;
5. Janitors; and
6. 46 facilitators to involve parents in the Educational

process and decision-making at the school level.

"We also highlighted the educational programs for students who have trouble relating to school either because they find it uninteresting or because they are not challenged by the regular programs. Almost two million dollars in additional funding was provided to support these alternative programs, including 33 new teachers.

"I want to thank the members of the Committee on Education and the Committee on Finance who contributed so much in making this budget a success. Everyone who participated in formulating this budget seemed to be heading in the same direction and realized that in order for us to provide a quality education for the young people of Hawaii, we must concentrate our efforts at the school level--at the classroom level.

"To that end, this budget contains 12.3 million dollars for reducing class size in kindergarten and first grade to a student-teacher ratio of twenty to one. An additional 5 million dollars has been provided in each year for building portable classrooms needed for class size reduction. 3.5 million dollars has been included in this budget for equipment, supplies and textbooks.

"Funds have also been added for:

1. Learning centers;
2. Language instruction in elementary schools;
3. 1.5 million for teacher training;
4. Year Round Schools at Olomana School and Waihee School on Maui;
5. Drug Awareness Programs;
6. A.I.D.S. education;
7. Parent Education Centers; and
8. to improve Summer School education.

"Public libraries are an important part of our educational system. Therefore, we have provided a significant increase in the library budget. The public libraries will receive a 20% increase over current services in the first year of the biennium. Within the total 3.3 million dollar increase

for both years, we have provided:

1. 29 libraries and library assistants;
2. 1 million dollars for additional books and magazines;
3. Expanded security services in libraries; and
4. an automated catalogue for public use to replace the outdated present microfilm catalogue.

"The state library system has also been provided with 8.4 million dollars in capital improvement funds for the renovation and expansion of the Hawaii State Library Main Branch.

"Although we come to the closing of this legislative session, the work of the Committee on Education is not completed. During the interim, there will be many conferences to resolve issues which must be studied during the interim. Your Committee on Education will attempt to visit all of your district schools in order to communicate with students, parents, teachers and administrators on these issues:

1. Repair and maintenance of the schools and state libraries. We need to develop a maintenance cycle so that the State of Hawaii will not have the big backlog of maintenance as we are currently experiencing;
2. The concept of a longer school year or a longer school day;
3. Class size reduction for the future of our young ones; and
4. Federal impact aid. The use of federal impact aid must not be abused, otherwise, we will lose this federal assistance and it will be more difficult to obtain quality education for our young ones.

"Because of the press of time for today's busy session, I must keep my remarks as brief as possible. But I like to conclude by expressing my mahalo to so many of you for your kind consideration to me in my first year as chairman of the Committee on Education. I wish to thank the members of my committee who gave so much time and effort to carry out the

work of the committee, and in particular, my vice-chairman, Representative Sam Lee, who has been very, very helpful.

"I also want to thank the chairman and members of the Committee on Finance who defended this budget in conference with vigor and intelligence.

"Let us hope that in the future this budget will be seen as a turning point for public education in Hawaii, and that we will carry on in future sessions to fulfill the hopes of our people for an educational system second to none.

"Thank you."

Representative Anderson then rose to speak in favor of the bill, stating:

"Mr. Speaker, we have three members in the Republican Party sitting on Finance and it's my understanding that Representative Souki, as chairman, did in fact this year bring in the chairman from each committee and tried to get as much information; it moved very smoothly as far as trying to make sure that everybody was kept abreast of what was going on. For this reason, I thank him very, very much. I've also sat in on as many as I possibly could on committee conferences. He has always been open and above with me. For this reason I would like to thank you very much, Mr. Chairman, and I wish everybody would vote 'yes.'

"Thank you."

Representative Metcalf then rose to speak in support of the budget, stating:

"Mr. Speaker, I really hadn't intended to speak on this budget but then upon reflection, I realized it might be the only budget that I would have the opportunity to speak on.

"I would just like to thank the Finance chairman for the courtesies that he had extended to my Committee, and I think the budget that we have before us is a good one and I hope that we all vote 'aye.'

"Thank you."

Representative Alcon then rose to speak in favor of the bill, stating:

"Mr. Speaker, as a Filipino, I shall keep it brief because once we get started we don't know when to stop.

"I rise in support of the budget, Mr. Chairman, because of the fact that it is a good bill. It is a good bill because of the fact that the Committee on Human Services provided for those people who cannot help themselves. It is a good bill because of the fact that as Representative Tam said, he had increased the budget for the Department of Education and I invite him to come over and visit Kalihi once in a while. It is a good bill because of the fact that the University of Hawaii has been provided for but, unfortunately again, Mr. Chairman, the community colleges have been overlooked--but we will wait for next year because we have only so much money to divide.

"So I would like to ask everyone to support the budget.

"Thank you, Mr. Chairman."

Representative Liu then rose to speak in favor of the bill, stating:

"Mr. Speaker, I don't know if I'll be brief--unlike Representative Tam, I'm only half Chinese--but I do wish to rise to speak in favor of the bill.

"Mr. Speaker, I am in favor of this bill because as expressed earlier by the Minority Floor Leader, I think there was tremendous attempts, and to a large degree, success, in keeping the process as fair as possible, satisfying as many interest groups as could be handled under the circumstances.

"But, Mr. Speaker, I do have a concern and my concern in part is concerning the overall systems that we have to review and work on the budget. I think, this summer, that the Legislative Management Committee and its work to take a look at PPBS will be very important, and I hope that we all keep in mind the possibilities that structural changes, that changes in timing and management, will be very needed for us to ensure that this budget and future budgets are done, are worked on, in a perhaps not more efficient manner but in a manner which does not put the kind of stress and strain upon staff and legislators and the community as our current system does. I believe we are essentially working with a hundred year old system--out of date with our current technology--and I would hope that we really consider this. Eight days, meeting round the clock, is not fair to the committee members on the committee, to the staff and to the state of Hawaii, so, I hope we keep this mind for the

future.

"Thank you, Mr. Speaker."

Representative Kanoho then rose to speak in favor of the bill, stating:

"Mr. Speaker, I rise to speak in favor of the bill but even more so to extend appreciation as a member of the committee to our chairman, Joe Souki, who was indeed been very open, always receptive to our thoughts and shared many of his insights with us. I want to especially congratulate him on maintaining the position of the House in these waning moments, to do that which is right and at the same time knowing that we faced much pressures that we may not have our way but we do indeed support him. I want to thank him again.

"Thank you."

Representative Isbell then rose to speak in favor of the bill, stating:

"Mr. Speaker, I would like to commend the chairman--this is my fifth year on the Finance Committee--and this has been certainly the most open, well-documented type of relationship I have ever had on the Finance Committee. It has been a real pleasure to be aware of the things that are happening, to be consulted, and the committee felt as a team. No one felt left out and I think that that is a real expression of gratitude as well as an acknowledgment that the chairman truly understands what it's like to sit there and not know what is going on, and I'm sure he was in that position at one time and he didn't let that happen to any of us. I do want to express to him my appreciation; I enjoyed being a member of your committee, and I certainly think it was the most open, democratic form of a budget session that I have ever attended.

"Thank you very much."

Representative Hagino rose to speak in favor of the bill, stating:

"Mr. Speaker, when this bill passed Third Reading earlier this session, I made certain remarks explaining the significance of the executive budget as it related to human services. At that time, I also expressed my gratitude, on behalf of the Human Services Committee, to the chairman and the members of the committee of Finance as well as to the Finance staff.

"The conference draft that we have before us still reflects the same gratitude that I have, and it reflects the significance that I had mentioned earlier for human services so I would like to have, at this time, those remarks that I stated on Third Reading be incorporated with my remarks in support of this conference draft at this time." (By reference only)

Representative Taniguchi then rose to speak in favor of the bill, stating:

"Mr. Speaker, first of all, I would like to thank the chairman on the Committee on Finance as well as the leadership of the House for the courtesies accorded my committee. I would also like to acknowledge the hard work and diligence of the Finance Committee staff.

"I believe the budget that we have developed for the university system and the arts is fair. With regard to the university, we have generally followed the priorities set forth by the administration and the Board of Regents, but we have not been afraid to cut where we felt it was necessary.

"I believe the community colleges and Hilo College has done very well-- you can just ask the respective chancellors.

"This budget, Mr. Speaker, represents our first step in building a world-class university system and, I think, it is something we can all be very proud of.

"Thank you."

Representative Cavasso rose to speak in favor of the bill with one serious reservation, stating:

"Mr. Speaker, I should state first that I concur, and notes of appreciation to the chairman and to the committee and to the staff. It has been a pleasure working with an open chairman and committee.

"Mr. Speaker, last year when I spoke on the budget, I noted that there are three ways in which a man can wear hair: part it, unpart it, and depart it. And I noted at the same time that there are three ways to look at this budget. Part it, if you have reservations but can still accept it; unpart it, if you like the whole thing; and depart it, if you have three reasons to vote against it.

"Last year, Mr. Speaker, I spoke for the 'depart it,' and I'm pleased to

note that all three items have been deleted from this year's budget. First of those was placing the ocean awareness center in Waimanalo without discussing it with the community or subjecting it to open hearing; that's not in the budget this year.

"The second reason was that we are appropriating 5.2 million for the Hawaii workers' compensation fund-- again, that was vetoed by the Governor and is not included in this budget.

"The third reason that I spoke against it was that the budget included appropriations for the homosexual advocacy group, Life Foundation. The moneys in the budget for that group had been deleted from this budget and now in the hands of the Department of Health where it should be.

"This year I speak for the 'unparted' which means I'm speaking with reservations and that simple one reservation is that there is, in this budget, an item that funds a practice to which is abhorrent for a large part of my community, that part of my community which believes that the child in the womb is a child; that part of my community that believes that to take that child from the womb is murder. A large percentage of my community which believes so strongly that this is absolutely wrong, that it is the worst form of child abuse in our community today, should not have their dollars paying for this procedure. They should not have public funds paying for something which they are so adamantly against and which they believe so strongly is absolutely wrong.

"Last year, we as a state with public funds, performed 1,214 abortions. Of those, 61 were repeat abortions within 1 year's period of time. That's in the budget under SOC 230 and I believe, Mr. Speaker, that it is inappropriate that it be in there. We discussed it only briefly in Finance Committee this year; we didn't have all the facts and I will be working to garner more facts over the next year so that we can present them more thoroughly to the committee, but I bring it to the attention of this Body now.

"There is a saying, 'that which you do unto the littlest of these, my children, you do also unto me.' Those words were spoken by Jesus.

"Thank you for listening to my reservations on this budget, Mr.

Speaker. I do urge that we move positively with this budget this year.

"Mahalo."

Representative Tungpalan then rose to speak in support of the bill, stating:

"Mr. Speaker, like many of the comments of my colleagues I, too, feel that Representative Souki, the chairman of Finance, has been very open and had sought out the comments and the feelings from many of the members, not only on the Committee on Finance, but in this House. I think that's a tribute to the gentleman.

"I did mention though, through our consultations on the budget, that there was one objection that I had, and that was on the number of monies that we spend on elective abortions. I am very happy to see that number that was funded by the state is down. I am heartened that it was only 40 this year, but I would like to encourage the core of people who advise these women to continue to assist them in carefully planning for their children so that there will be no need to seek out an elective abortion.

"Yesterday, I spent a day in retreat at St. Anthony's and I was very happy to meet a physician of obstetrics and gynecology. She had related this incident to me which I would like to share with my colleagues: She received a letter from a mother who she had discouraged from having her baby aborted. It seems the mother was being prompted by relatives and friends to abort her child because this was the sixth child in the family, and they thought the mother was getting on in her years and the father was also elderly. Well, the mother went to this doctor who discouraged her from doing that. The mother wrote, in this letter fifteen years later, that she was very happy that she had followed the OB-GYN's advice. One day, as she looked at her daughter who was sleeping, she cried pitifully at the thought that she even considered an abortion. This child was the most beautiful of the six and the most brilliant.

"I know there are many other stories like this that can be told. I know I have one son, Jonathan, who many people thought should have been aborted because I was, after all, in the Legislature and it would ruin my career. I'm glad I didn't listen. He is the most handsome of my three and certainly takes after the mother a

lot--in his rascalness, not in his beauty.

"I would like to encourage, as I say, the core of people who are on the front line and who do get a chance to advise these women, that there are a lot of other options to take, a lot of other roads to take besides that one drastic one.

"Thank you for giving me the opportunity to speak on this matter."

Representative Hirono rose to speak in favor of the bill, stating:

"Mr. Speaker, I, too, would like to thank the chairman of the Finance Committee and the members of the committee and the staff of the committee for the many hours of work that they put into this budget.

"Three years ago, when the issue of medicaid funding of abortions came up, I did rise to speak in favor of the budget because we had left that provision in, and I rise again to point out that, to many of us, an elective abortion should not be a choice that can only be exercised by those women who can afford the procedure. All women should have the freedom of choice in this very personal matter, and it is a choice which is founded on our constitutional right to privacy.

"Thank you, Mr. Speaker."

Representative Hayes then rose and requested that the remarks of Representative Hirono be inserted into the Journal as though they were her own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Tungpalan then rose in rebuttal, stating:

"Mr. Speaker, you know, if women have rights, I do believe also that those rights be extended to every individual including the fetus or the embryo.

"Thank you."

Representative Cavasso also rose in rebuttal, stating:

"Mr. Speaker, life--the right to life--is an absolute right and whether that child be from a poor family or a rich family, the poor child has no less right to life than the rich child, and the rich child has no more right to life than the poor child, and it is a matter of a life that we need to protect and which a large percentage

of our community believes should be protected, and we should not be using government funds.

"Thank you, Mr. Speaker."

Representative Jones then rose and requested that the remarks of Representatives Tungpalan and Cavasso be incorporated into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Jones and Hemmings voting no.

The Chair directed the Clerk to note that H.B. No. 2 had passed Final Reading at 11:24 o'clock a.m.

At 11:24 o'clock a.m., Representative Okamura asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock a.m.

H.B. No. 736, HD1, SD2, on Final Reading:

Representative Hirono moved that H.B. No. 736, HD1, SD2, having been read throughout, pass Final Reading, seconded by Representative Hiraki.

At 11:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:01 o'clock p.m., Representative Hirono withdrew her motion to pass H.B. No. 736, HD1, SD2, on Final Reading and Representative Hiraki withdrew his second.

At 12:02 o'clock p.m., Representative Apo asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:04 o'clock p.m.

DISPOSITION OF MATTERS  
PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 736, HD1, SD2; 578, HD1, SD1; 1924, SD1; 1151, HD1, SD1; 463, SD1; 1150, HD2, SD1; 14, HD2, SD1; 1421, HD1, SD1; 735, HD1, SD1; 1251, HD1, SD1; 1487, SD2; 853, SD1; and 1469, HD2, SD1, were taken from the Clerk's desk.

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 736, HD1, and H.B. No. 736, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN BANKS", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 578, HD1, and H.B. No. 578, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 736 and 578 had passed Final Reading at 12:05 o'clock p.m.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1924, and H.B. No. 1924, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUILDING IMPROVEMENTS TO THE RICHARDS STREET YWCA", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Jones and Liu voting no.

On motion by Representative Shon, seconded by Representative Leong and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1151, HD1, and H.B. No. 1151, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1924 and 1151 had passed Final Reading at 12:06 o'clock p.m.

On motion by Representative Shon, seconded by Representative Souki and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 463, and H.B. No. 463, SD1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR G.N. WILCOX MEMORIAL HOSPITAL", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Hagino, seconded by Representative Arakaki and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1150, HD2, and H.B. No. 1150, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 463 and 1150 had passed Final Reading at 12:07 o'clock p.m.

On motion by Representative Honda, seconded by Representative Say and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 14, HD2, and H.B. No. 14, HD2, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Ca-chola, seconded by Representative Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1421, HD1, and H.B. No. 1421, HD1, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KALAKAUA AVENUE SAFETY AND BEAUTIFICATION PROJECT", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 735, HD1, and H.B. No. 735, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 14; 1421; and 735 had passed Final Reading at 12:08

o'clock p.m.

On motion by Representative Metcalf, seconded by Representative Hagino and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1251, HD1, and H.B. No. 1251, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PREMARITAL AGREEMENT ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Shon, seconded by Representative Leong and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1487, and H.B. No. 1487, SD2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1251 and 1487 had passed Final Reading at 12:09 o'clock p.m.

On motion by Representative Metcalf, seconded by Representative Hagino and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 853, and H.B. No. 853, SD1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Metcalf, seconded by Representative Hagino and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1469, HD2, and H.B. No. 1469, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

The Chair directed the Clerk to note that H.B. Nos. 853 and 1469 had passed Final Reading at 12:09 o'clock p.m.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 1511 on S.B. No. 1734, SD1:

On motion by Representative Souki, seconded by Representative Fukunaga

and carried, the report of the Committee was adopted and S.B. No. 1734, SD1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTALLY DISABLED", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1734 had passed Third Reading at 12:10 o'clock p.m.

S.B. No. 1483, SD1, on Third Reading:

On motion by Representative Souki, seconded by Representative Fukunaga and carried, S.B. No. 1483, SD1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC SCHOOLS FOUNDATION", having been read throughout, was recommitted to the Committee on Finance.

S.B. No. 1139 on Third Reading:

On motion by Representative Metcalf, seconded by Representative Hagino and carried, S.B. No. 1139 entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE RESIDENCY QUALIFICATION FOR VOTING", having been read throughout, passed Third Reading by a vote of 51 ayes, which is not less than two-thirds of all the members to which the House is entitled.

The Chair directed the Clerk to note that S.B. No. 1139 had passed Third Reading at 12:11 o'clock p.m.

At 12:11 o'clock p.m., the Chair declared the House in recess until 2:00 o'clock p.m.

#### AFTERNOON SESSION

The House of Representatives reconvened at 2:44 o'clock p.m.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 40 on H.B. No. 1849, HD1, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Levin and carried, the report of the Committee and H.B. No. 1849, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES", were recommitted to the Committee on Conference.

At 2:46 o'clock p.m., Representative Bunda asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:48 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1583) recommending that S.C.R. No. 58, SD1, as amended in HD1, be adopted.

On motion by Representative Bunda, seconded by Representative Hashimoto and carried, the report of the Committee was adopted, and S.C.R. No. 58, SD1, HD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OCEAN RESOURCES BRANCH OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF CONSOLIDATING UNDER A SINGLE, ADMINISTRATIVE DEPARTMENT OR AGENCY, RESPONSIBILITY FOR STATE FUNCTIONS AND ACTIVITIES RELATING TO THE OCEAN", was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1584) recommending that S.C.R. No. 184, SD1, as amended in HD1, be adopted.

On motion by Representative Bunda, seconded by Representative Hashimoto and carried, the report of the Committee was adopted and S.C.R. No. 184, SD1, HD1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF TRANSPORTATION, OR BOTH, TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR ENUMERATED PURPOSES", was adopted.

#### UNFINISHED BUSINESS

S.B. No. 448, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hagino and carried, S.B. No. 448, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION", passed Third Reading by a vote of 51 ayes.

S.B. No. 1001, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hagino and carried, S.B. No. 1001, SD1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 448 and 1001 had passed Third Reading at 2:49 o'clock p.m.

S.B. No. 1224, SD1, on Third Reading:

At this time, Representative Hirono rose and stated:

"Mr. Speaker, before I make the motion on S.B. No. 1224, the Standing Committee Report attached to that bill--Standing Committee Report 1190--may the Journal reflect that there is a typographical error on paragraph 3 on the report. The last word on that paragraph should be, 'optometrist' not 'opticians.'"

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 1224, SD1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE", passed Third Reading by a vote of 51 ayes.

S.B. No. 444, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 444, SD1, entitled: "A BILL FOR AN ACT RELATING TO BARBERING", passed Third Reading by a vote of 51 ayes.

S.B. No. 393, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 393, SD1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1224; 444; and 393 had passed Third Reading at 2:50 o'clock p.m.

S.B. No. 419, on Third Reading:

On motion by Representative Hirono, seconded by Representative

Hagino and carried, S.B. No. 419, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 51 ayes.

S.B. No. 522, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 522, entitled: "A BILL FOR AN ACT RELATING TO CLOSED BANKS", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Ribellia voting no.

The Chair directed the Clerk to note that S.B. Nos. 419 and 522 had passed Third Reading at 2:51 o'clock p.m.

S.B. No. 525, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 525, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

S.B. No. 632, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 632, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Shon voting no.

The Chair directed the Clerk to note that S.B. Nos. 525 and 632 had passed Third Reading at 2:52 o'clock p.m.

S.B. No. 727, SD1, on Third Reading:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, S.B. No. 727, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and Medeiros voting no.

S.B. No. 877, SD1, on Third Reading:

Representative Hirono moved that S.B. No. 877, SD1, having been read

throughout, pass Third Reading, seconded by Representative Hiraki.

Representative Say then requested a conflict ruling since he is an importer and wholesaler of imported liquor, and the Chair ruled, "no conflict."

The motion was put by the Chair and carried, and S.B. No. 877, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 956, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 956, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER COMMODITIES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 727; 877; and 956 had passed Third Reading at 2:53 o'clock p.m.

S.B. No. 1023, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 1023, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

S.B. No. 1526, SD2, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 1526, SD2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 51 ayes.

S.B. No. 450, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 450, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY", passed Third Reading by a vote of 51 ayes.

S.B. No. 451, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 451, entitled: "A BILL FOR AN ACT

RELATING TO LICENSING OF PSYCHOLOGISTS", passed Third Reading by a vote of 51 ayes.

S.B. No. 521, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 521, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1023; 1526; 450; 451; and 521 had passed Third Reading at 2:54 o'clock p.m.

S.B. No. 452, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 452, SD1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", passed Third Reading by a vote of 51 ayes.

S.B. No. 11, SD1, on Third Reading:

By unanimous consent, action was deferred until the end of the calendar.

S.B. No. 216, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 216, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

The Chair directed the Clerk to note that S.B. Nos. 452 and 216 had passed Third Reading at 2:55 o'clock p.m.

S.B. No. 368, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING IN CONNECTION WITH CREDIT SALES", passed Third Reading by a vote of 51 ayes.

S.B. No. 366, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 366, SD1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Marumoto and Liu voting no.

S.B. No. 365, SD1, on Third Reading:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 365, SD1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 368; 366; and 365 had passed Third Reading at 2:56 o'clock p.m.

#### DISPOSITION OF MATTER PLACED ON CLERK'S DESK

By unanimous consent, H.C.R. No. 95, SD1, was taken from the Clerk's desk.

On motion by Representative Oshiro, seconded by Representative Bellinger and carried, the House agreed to the amendments made by the Senate to H.C.R. No. 95 and H.C.R. No. 95, SD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RENAME LIHUE AIRPORT AFTER RICHARD A. KAWAKAMI, SPEAKER OF THE HOUSE OF REPRESENTATIVES (JANUARY 21 - MARCH 8, 1987)", having been read throughout, was finally 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. 1002:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 1002 entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", passed Third Reading by a vote of 51 ayes.

#### S.B. No. 1283, SD1:

On motion by Representative Hiro-

no, seconded by Representative Hiraki and carried, S.B. No. 1283, SD1, was recommitted to the Committee on Consumer Protection and Commerce.

#### S.B. No. 1284, SD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, S.B. No. 1284, SD1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT LIFE INSURANCE", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1002 and 1284 had passed Third Reading at 2:58 o'clock p.m.

At 2:58 o'clock p.m., Representative O'Kieffe asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:06 o'clock p.m.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 2 on H.B. No. 464, HD1, SD1, CD1:

On motion by Representative Shon, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 464, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES", having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes with Representatives Anderson, Bunda, Honda, M. Ige and Peters voting no.

The Chair directed the Clerk to note that H.B. No. 464 had passed Final Reading at 3:07 o'clock p.m.

Conf. Com. Rep. No. 3 on H.B. No. 1025, HD1, SD1, CD1:

On motion by Representative Shon, seconded by Representative Leong and carried, the report of the Committee was adopted and H.B. No. 1025, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING AND RESOURCES DEVELOPMENT AND HEALTH CARE COST CONTROL", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 4 on H.B. No. 889, HD2, SD1, CD1:

Representative Shon moved that the report of the Committee be adopted and that H.B. No. 889, HD2, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Liu then rose to speak in favor of the bill, stating:

"For the record, Mr. Speaker, I just want to indicate that I do believe that the intent of this bill is that in the instance mentioned in subparagraph 5, or the instances mentioned in subparagraph 5 on page 2, that it is the intent of this measure to permit under the rubric of confidential communications, the identity of individuals involved.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 889, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1025 and 889 had passed Final Reading at 3:08 o'clock p.m.

Conf. Com. Rep. No. 5 on H.B. No. 681, SD1, CD1:

On motion by Representative Shon, seconded by Representative Leong and carried, the report of the Committee was adopted and H.B. No. 681, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH FACILITIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 6 on S.B. No. 469, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 469, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 681 and S.B. No. 469 had passed Final Reading at 3:09 o'clock p.m.

Conf. Com. Rep. No. 7 on S.B. No. 808, SD2, HD2, CD1:

On motion by Representative Hiro-no, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 808, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Anderson, Cavasso, Jones and Liu voting no.

The Chair directed the Clerk to note that S.B. No. 808 had passed Final Reading at 3:10 o'clock p.m.

Conf. Com. Rep. No. 8 on H.B. No. 536, HD1, SD1, CD1:

On motion by Representative Hagino, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 536, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 9 on H.B. No. 1156, SD2, CD1:

On motion by Representative Crozier, seconded by Representative Yoshimura and carried, the report of the Committee was adopted and H.B. No. 1156, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 536 and 1156 had passed Final Reading at 3:11 o'clock p.m.

Conf. Com. Rep. No. 10 on S.B. No. 1748, SD1, HD1, CD1:

On motion by Representative Oshiro, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 1748, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO VESSEL REGISTRATION FEES AND CHARGES", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

Conf. Com. Rep. No. 11 on H.B. No. 741, HD1, SD1, CD1:

On motion by Representative

Oshiro, seconded by Representative Bellinger and carried, the report of the Committee was adopted and H.B. No. 741, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1748 and H.B. No. 741 had passed Final Reading at 3:12 o'clock p.m.

Conf. Com. Rep. No. 12 on H.B. No. 1514, HD2, SD2, CD1:

On motion by Representative Hagino, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1514, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 13 on H.B. No. 377, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.B. No. 377, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COUNCIL", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 14 on H.B. No. 654, HD1, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 654, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1514; 377; and 654 had passed Final Reading at 3:13 o'clock p.m.

Conf. Com. Rep. No. 15 on H.B. No. 1209, HD1, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1209, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY IN HARBORS", having been read throughout,

passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16 on H.B. No. 378, HD2, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Shon and carried, the report of the Committee was adopted and H.B. No. 378, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY-RELATED HUMAN ILLNESS AND INJURY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1209 and 378 had passed Final Reading at 3:14 o'clock p.m.

Conf. Com. Rep. No. 17 on S.B. No. 1172, SD1, HD1, CD1:

Representative Oshiro moved that the report of the Committee be adopted and that S.B. No. 1172, SD1, HD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Marumoto rose to speak in favor of the bill, stating:

"Mr. Speaker, in addressing this bill, I would like to commend the chairman of the Transportation Committee in the House for his serious attempts to come to grips with the statewide transportation problem and Oahu's traffic congestion in particular. His willingness to listen to the City's rail plan and his open-mindedness on the use of state resources for urban school buses and his inquiry into water transportation for commuting are to be encouraged and diligently pursued for we are rapidly approaching the judgment day of traffic and it is called, 'gridlock.'

"This measure before us today speaks of disbursing government offices away from the urban center and inquires about staggered hours and four day work week, and it originally called for later starting time for private schools. But in dictating the hours of private schools, this proposal came under intense criticism and justly so. Private institutions were taken by surprise and outraged by government intrusion into their domain.

"After many hearings and much discussion, some schools have indicated a willingness to sit down and discuss what can be done, and I

believe they would be agreeable to some change, as long as public schools are similarly treated. We must be cognizant that a radical change would seriously inconvenience parents and students, athletics and academics, for instance, Iolani, which starts at 7:40 o'clock a.m., would be heavily impacted by a change to 9:00 o'clock a.m. Public schools would have the same problem. If the problems of both systems are not examined and treated alike, I do not believe we, the Legislature, should enact any changes.

"I thank the chairman for removing the offending provisions regarding private schools, urge an 'aye' vote and look forward next session to examining many other alternatives to alleviate traffic congestion.

"Thank you."

Representative Ribellia then rose and requested that the remarks of Representative Marumoto be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1172, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ALLEVIATING TRAFFIC CONGESTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1172 had passed Final Reading at 3:17 o'clock p.m.

Conf. Com. Rep. No. 18 on S.B. No. 350, SD1, HD2, CD1:

Representative Shon moved that the report of the Committee be adopted and S.B. No. 350, SD1, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Shon then rose to speak in favor of the bill, stating:

"Mr. Speaker, I would like to thank all the members who have worked on the entire smoking package this year. As I've said before, smoking is the number one public hazard in the United States. Over a 1,000 people die every day because of this disease and this habit, and I think we've taken a very important step this year in raising the age and protecting the

people in public places and at least protecting workers in public institutions. I hope that in the next session and sessions to come, we will extend this so that workers who work in the private in the private sector will not be second-class citizens--will not have to suffer the pollution of smoke 8 hours a day and that we will be able to adequately say that we have protected the public's health for all the citizens of Hawaii.

"I urge all of you to vote for this bill.

"Thank you."

Representative Anderson then rose to speak against the bill, stating:

"Mr. Speaker, I didn't plan on speaking against the bill--primarily, Mr. Speaker, I do believe that there is warnings on cigarettes--I did vote for raising the age because I think that's helpful to help our youth--but it has always bothered me that we mandate different things in government and if we are going to do this, I would say let's not collect any taxes and ban it altogether. But as long as you're going to keep taxing and hoping that people will go ahead and smoke so that we can get more taxes from them, it really doesn't seem fair, that we're calling them second-class citizens and yet we're taxing them for every dollar we can possibly get. So we either ban it altogether--cigarettes, all over--not just here in Hawaii but all over the world-- and do away with cigarettes. And I don't think that's ever going to happen, Mr. Speaker, so as a non-smoker, I guess I'm just going to have to vote against the bill because I don't think it's fair and equitable for the others that--even though they know it is a health hazard--they still smoke.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 350, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN THE WORKPLACE", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes with Representatives Anderson, Bunda, M. Ige and Peters voting no.

Conf. Com. Rep. No. 19 on S.B. No. 241, SD1, HD1, CD1:

On motion by Representative Belinger, seconded by Representative Cachola and carried, the report of the Committee was adopted and S.B. No. 241, SD1, HD1, CD1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 350 and 241 had passed Final Reading at 3:20 o'clock p.m.

At 3:20 o'clock p.m., the Chair declared the House in recess until 6:30 o'clock p.m.

#### NIGHT SESSION

Upon reconvening at 8:25 o'clock p.m., Representative Tungpalan, on a late introduction, introduced several friends from her district who were seated in the gallery.

Representative Tungpalan, on behalf of Representatives D. Ige, Hashimoto and Kihano, also introduced several student leaders from Pearl City High School accompanied by their teacher, Mrs. Ishihara.

Representative Metcalf introduced the staff of Representative Hirono who were seated in the gallery.

Representative Marumoto introduced Judge Ray Engel.

Conf. Com. Rep. No. 20 on S.B. No. 787, SD1, HD1, CD1:

On motion by Representative Tam, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 787, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ASSAULTS OF EDUCATIONAL WORKERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 787 had passed Final Reading at 8:28 o'clock p.m.

Conf. Com. Rep. No. 21 on S.B. No. 1765, SD1, HD2, CD1:

On motion by Representative Levin, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1765, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1765 had passed Final Reading at 8:29 o'clock p.m.

Conf. Com. Rep. No. 22 on H.B. No. 750, HD1, SD2, CD1:

Representative Taniguchi moved that the report of the Committee be adopted and that H.B. No. 750, HD1, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Horita then rose to speak in favor of the bill, stating:

"Mr. Speaker, the House, together with their Senate peers, can now truly say that it has taken a step forward in their support of the arts.

"The Honolulu Symphony is a segment of the performing arts which touches many--young and old, kamaaina and newcomer--of all walks of life in our community. It entertains, it educates, it provides a means by which our souls can be soothed and healed.

"We are not giving away money through this measure but helping a group from the arts to be responsible through the dollar for dollar match concept. The measure before us today is an example of how legislators -- representatives, senators and staff -- and community interests -- the symphony personnel, the members of the musician union, the I.L.W.U. and corporate interests--can work on a proposal and make it become reality.

"A heartfelt mahalo to you all."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 750, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOLULU SYMPHONY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 750 had passed Final Reading at 8:30 o'clock p.m.

Conf. Com. Rep. No. 23 on S.B. No. 559, SD1, HD1, CD1:

Representative Levin moved that the report of the Committee be adopted and that S.B. No. 559, SD1, HD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Cavasso then rose to speak in favor of the bill, stating:

"Mr. Speaker, most especially I would like to express appreciation and thanks to Representatives Levin, D. Ige, Isbell, Lee and the many others that worked on this bill on behalf of the Waimanalo farmers. It's been two years in the making. When it began the farmers were discouraged and some questioned whether they would ever see justice in their community and many doubted it could be done in the Legislature. And I would express a special note of thanks on behalf of the Waimanalo farmers.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 559, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 559 had passed Final Reading at 8:31 o'clock p.m.

Conf. Com. Rep. No. 24 on S.B. No. 1729, SD1, HD2, CD1:

On motion by Representative Apo, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 1729, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1729 had passed Final Reading at 8:32 o'clock p.m.

Conf. Com. Rep. No. 25 on H.B. No. 1841, HD2, SD1, CD1:

On motion by Representative Levin, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.B. No. 1841, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LAND AND NATURAL RESOURCES", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Hemmings, Jones, Liu and O'Kieffe voting no.

The Chair directed the Clerk to note that H.B. No. 1841 had passed Final Reading at 8:33 o'clock p.m.

Conf. Com. Rep. No. 26 on S.B. No. 1318, SD2, HD2, CD1:

Representative Apo moved that the report of the Committee be adopted and that S.B. No. 1318, SD2, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Hagino.

Representative Hagino then rose to speak in favor of the bill, stating:

"Mr. Speaker, what is significant about this bill as well as Senate Bill 5 which is on the next page, is that we have made a radical departure in the structure of the Department of Social Services and Housing. The housing development and financing components of the Hawaii Housing Authority will be switched over to the Department of Planning and Economic Development.

"Under Senate Bill 5, we will be removing the corrections division from DSSH into the new Department of Corrections. So what we see is a very pared down DSSH which, I think, will be better equipped to deal with the problems of welfare, child abuse, elderly abuse and other youth problems.

"In addition to the structural changes we have made in Senate Bill No. 1318 and Senate Bill 5, in the executive budget which was passed earlier today, we have made great changes in the system in which welfare benefits are paid out to recipients. We've also provided the department with a brand new computer which will computerize the welfare payments and make it very easy for them--well, with greater ease to check on welfare fraud and eligibility. So, I think what we will now see is a new department that can begin to concentrate on some of the problems that are bothering us in society such as child abuse.

"I look forward to working--my committee and I look forward to working with this new department. In the next legislative session, we will be conducting interim hearings on various problems that I have mentioned earlier. I think there can be no excuse anymore for the department, that in the past, would say that they had too many responsibilities so they could not deal with the individual problems that have been coming up.

"This should be an very active department, a department that we look forward to solving some of our crisis in the areas of child protective

services and the abuse programs that I had mentioned earlier. So, I think we will see an exciting new program in the years ahead and all of us, I think, look forward to working with this new department.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1318, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Bunda, Lee, Tam and Yoshimura voting no.

The Chair directed the Clerk to note that S.B. No. 1318 had passed Final Reading at 8:36 o'clock p.m.

Conf. Com. Rep. No. 27 on H.B. No. 652, HD2, SD2, CD1:

Representative Apo moved that the report of the Committee be adopted and that H.B. No. 652, HD2, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Hagino.

Representative Marumoto then rose to speak in favor of the bill, stating:

"Mr. Speaker, I do have some objections that I would like to register about the measure.

"Although we have before us a means to enforce the illegal disposal of oil via additional penalties, this bill does not address the real problem, which is, where and how do we dispose.

"It is said the executive proposals in the Legislature is supposed to dispose but, in this case, we have not done so. For many years we have not arrived at a solution to getting rid of waste oil. We don't have readily available programs to dispose of oil and other substances we do not want to throw down the drain or allow to seep into our water table. Heavy penalties alone will not solve the problem, and any imminent solutions can't come soon enough. Present programs are too small to be sufficiently effective. We are in a quandary because the private sector will not step in. It is a no-win, unprofitable situation for them. So, there's no one else but government to help out here.

"So, I look forward to the one day

the Legislature will establish adequate programs to clean up this modern problem.

"Thank you, Mr. Speaker."

Representative Anderson rose to speak against the bill, stating:

"Mr. Speaker, what worries me about this bill is that we really don't have any place to dispose of our oil yet. The one individual, I understand, that was buying it is no longer buying it and transporting it back to the mainland. I think this is putting the 'cart before the horse' but what really bothers me, though, is that we have a lot of mechanics who are backyard mechanics. And in here, under the penalties, it says that anybody can be punished by a fine of not more than \$5,000.00 for each violation. We've got all kinds of violations in here.

"It's a shame that we have to go ahead and have a bill when we don't have a place to dispose of it. In talking to the service station people, they don't want to take it because they have to dispose of theirs. You can't take it to the dump, and if I were going to change the oil in my own car and threw it in an empty lot, I can be fined under this like anybody else. I think we have to look at the bills that we are putting out and the penalties we are putting on the community, and for this reason, Mr. Speaker, I am going 'no.'

"Thank you very much."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 652, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO USED OIL RECYCLING AND DISPOSAL", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and Ribellia voting no.

The Chair directed the Clerk to note that H.B. No. 652 had passed Final Reading at 8:39 o'clock p.m..

Conf. Com. Rep. No. 28 on S.B. No. 1154, SD1, HD2, CD1:

Representative Levin moved that the report of the Committee be adopted and that S.B. No. 1154, SD1, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Tajiri.

Representative Liu then rose to

speak in favor of the bill, but with some reservations, stating:

"Mr. Speaker, I think the intent behind this bill is great and I would hope that those involved in innovation or inventions will, in fact, take advantage of the monies appropriated here. But I also hope that the State in administering the loan fund will exercise caution that it should, and that the risks that are taken, although they should be of a kind which will be riskier than those normally allowed by banks, should not be overly generous in their view of things.

"I think we have a few problems with the fishing loan program in the delinquency rate and I would hope that we don't make the same mistakes in this area also. However, overall, I think it is a good attempt to generate interest in this area of economic development.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1154, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INNOVATION DEVELOPMENT PROGRAM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1154 had passed Final Reading at 8:40 o'clock p.m.

Conf. Com. Rep. No. 29 on H.B. No. 1138, SD1, CD1:

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.B. No. 1138, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Honda and Say voting no.

The Chair directed the Clerk to note that H.B. No. 1138 had passed Final Reading at 8:41 o'clock p.m.

Conf. Com. Rep. No. 30 on S.B. No. 456, SD1, HD2, CD1:

On motion by Representative Oshiro, seconded by Representative Bellinger and carried, the report of the Committee was adopted and S.B.

No. 456, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 456 had passed Final Reading at 8:42 o'clock p.m.

Conf. Com. Rep. No. 31 on H.B. No. 371, HD1, SD1, CD1:

On motion by Representative Apo, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.B. No. 371, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 371 had passed Final Reading at 8:43 o'clock p.m.

Conf. Com. Rep. No. 32 on H.B. No. 1227, HD2, SD2, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 33 on H.B. No. 369, HD1, SD1, CD1:

Representative Apo moved that the report of the Committee be adopted and that H.B. No. 369, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Kanoho then rose to speak against the bill, stating:

"Mr. Speaker, I believe that it is improper for seasonal workers who sustain an off-the-job injury or ailment to continue to receive sick pay beyond what would have been their termination date. This mandatory requirement places an unfair burden on employers and it is for this reasons and the precedence which it establishes, that I am voting against this bill.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 369, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", having been read throughout, passed

Final Reading by a vote of 47 ayes to 4 noes, with Representatives Anderson, Kanoho, Liu and Peters voting no.

Conf. Com. Rep. No. 34 on H.B. No. 489, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 489, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 369 and 489 had passed Final Reading at 8:44 o'clock p.m.

Conf. Com. Rep. No. 35 on S.B. No. 957, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Arakaki and carried, the report of the Committee was adopted and S.B. No. 957, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HOME DETENTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 on S.B. No. 24, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 24, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM BYLAWS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 957 and 24 had passed Final Reading at 8:45 o'clock p.m.

Conf. Com. Rep. No. 37 on S.B. No. 1395, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 1395, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 38 on S.B. No. 341, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 341, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1395 and 341 had passed Final Reading at 8:46 o'clock p.m.

Conf. Com. Rep. No. 39 on S.B. No. 5, SD2, HD3, CD1:

On motion by Representative Crozier, seconded by Representative Hagino and carried, the report of the Committee was adopted and S.B. No. 5, SD2, HD3, CD1, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF CORRECTIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 5 had passed Final Reading at 8:47 o'clock p.m.

Conf. Com. Rep. No. 40 on H.B. No. 1849, HD1, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Levin and carried, the report of the Committee and H.B. No. 1849, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES", having been read throughout, were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 41 on S.B. No. 1007, SD1, HD2, CD1:

On motion by Representative Shon, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 1007, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representative Cavasso, Hemmings and Jones voting no.

Conf. Com. Rep. No. 42 on S.B. No. 815, SD1, HD2, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 815, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO

HEALTH INSURANCE", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Hemmings and Jones voting no.

The Chair directed the Clerk to note that S.B. Nos. 1007 and 815 had passed Final Reading at 8:48 o'clock p.m.

Conf. Com. Rep. No. 43 on S.B. No. 619, SD1, HD1, CD1:

On motion by Representative Shon, seconded by Representative Hagino and carried, the report of the Committee was adopted and S.B. No. 619, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION OF PRIVATE CESSPOOL", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 44 on S.B. No. 1525, SD2, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 1525, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 619 and 1525 had passed Final Reading at 8:49 o'clock p.m.

Conf. Com. Rep. No. 46 on H.B. No. 208, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 208, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 47 on H.B. No. 498, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 498, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to

note that S.B. Nos. 208 and 498 had passed Final Reading at 8:50 o'clock p.m.

At 8:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:57 o'clock p.m.

Conf. Com. Rep. No. 48 on H.B. No. 872, HD1, SD1, CD1:

On motion by Representative Metcalf, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 872, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ASBESTOS CONTROL AND LICENSING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 872 had passed Final Reading at 8:57 o'clock p.m.

Conf. Com. Rep. No. 49 on H.B. No. 492, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 492, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50 on S.B. No. 1288, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1288, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

The Chair directed the Clerk to note that H.B. No. 492 and S.B. No. 1288 had passed Final Reading at 8:58 o'clock p.m.

Conf. Com. Rep. No. 51 on S.B. No. 1072, SD1, HD2, CD1:

On motion by Representative Apo, seconded by Representative Kawakami and carried, the report of the Com-

mittee was adopted and S.B. No. 1072, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF HOSPITALS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

Conf. Com. Rep. No. 52 on S.B. No. 242, SD1, HD1, CD1:

On motion by Representative Kano-ho, seconded by Representative Bunda and carried, the report of the Committee was adopted and S.B. No. 242, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 53 on H.B. No. 410, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 410, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Hashimoto, Peters and Yoshimura voting no.

The Chair directed the Clerk to note that S.B. Nos. 1072 and 242 and H.B. No. 410 had passed Final Reading at 8:59 o'clock p.m.

Conf. Com. Rep. No. 54 on S.B. No. 785, HD1, CD1:

Representative Metcalf moved that the report of the Committee be adopted and that S.B. No. 785, HD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Hagino.

Representative Liu then rose to speak in favor of the bill, stating:

"Mr. Speaker, I do rise to speak in favor of this bill, but I do have some reservations and my reservations are just that I do hope that the prosecutor's office will have a reasonable definition when they go into court to discuss the meaning of replacement cost. I just hope that we're not involved in a piece of legislation that might follow the so-called law of 'unintended consequences,' while with good intentions we do end up creating greater problems.

"With those reservations--with the

hope that it will work--I will be voting in favor of this bill.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 785, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO VALUATION OF PROPERTY", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

Conf. Com. Rep. No. 55 on H.B. No. 1529, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1529, HD, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 785 and H.B. No. 1529 had passed Final Reading at 9:01 o'clock p.m.

Conf. Com. Rep. No. 56 on H.B. No. 1073, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1073, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Anderson, Hemmings, Liu and Marumoto voting no.

Conf. Com. Rep. No. 57 on S.B. No. 993, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 993, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1073 and S.B. No. 993 had passed Final Reading at 9:02 o'clock p.m.

Conf. Com. Rep. No. 58 on S.B. No. 1163, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 1163, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 59 on S.B. No. 1142, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Hagino and carried, the report of the Committee was adopted and S.B. No. 1142, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS", having been read throughout, passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Anderson, Crozier, Hemmings, Jones, Liu, Marumoto and O'Kieffe voting no.

The Chair directed the Clerk to note that S.B. Nos. 1163 and 1142 had passed Final Reading at 9:03 o'clock p.m.

Conf. Com. Rep. No. 60 on H.B. No. 1002, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 61 on S.B. No. 92, HD1, CD1:

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.B. No. 92, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TREE FARM", having been read throughout, was recommitted to the Committee on Conference.

At 9:04 o'clock p.m., Representative Liu asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:06 o'clock p.m.

Conf. Com. Rep. No. 62 on S.B. No. 348, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 348, SD1, HD1, CD1, entitled: "A BILL

FOR AN ACT RELATING TO RESPIRATORY CARE SERVICES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 348 had passed Final Reading at 9:07 o'clock p.m.

Conf. Com. Rep. No. 63 on S.B. No. 361, SD3, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 361, SD3, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 64 on S.B. No. 389, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 389, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 65 on S.B. No. 420, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 420, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 361; 389; and 420 had passed Final Reading at 9:08 o'clock p.m.

At 9:08 o'clock p.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:09 o'clock p.m.

Conf. Com. Rep. No. 66 on S.B. No. 518, SD2, HD2, CD1:

On motion by Representative Shon, seconded by Representative Hirono and carried, the report of the Com-

mittee was adopted and S.B. No. 518, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hemmings voting no.

The Chair directed the Clerk to note that S.B. No. 518 had passed Final Reading at 9:09 o'clock p.m.

Conf. Com. Rep. No. 67 on S.B. No. 545, SD1, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 545, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 68 on S.B. No. 1278, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 1278, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 545 and 1278 had passed Final Reading at 9:10 o'clock p.m.

Conf. Com. Rep. No. 69 on S.B. No. 1713, SD2, HD1, CD1:

On motion by Representative Souki, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 1713, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSETS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 70 on S.B. No. 481, SD1, HD1, CD1:

On motion by Representative Andrews, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 481, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL MINING LEASES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to

note that S.B. Nos. 1713 and 481 had passed Final Reading at 9:11 o'clock p.m.

Conf. Com. Rep. No. 71 on S.B. No. 432, SD2, HD1, CD1:

On motion by Representative Apo, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 432, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Peters voting no.

Conf. Com. Rep. No. 72 on S.B. No. 447, HD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and S.B. No. 447, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 432 and 447 had passed Final Reading at 9:12 o'clock p.m.

Conf. Com. Rep. No. 73 on S.B. No. 1660, HD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 74 on S.B. No. 97, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 97, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 97 had passed Final Reading at 9:13 o'clock p.m.

Conf. Com. Rep. No. 75 on H.B. No. 903, HD1, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 76 on H.B. No. 1521, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1521, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Jones and Liu voting no.

Conf. Com. Rep. No. 77 on H.B. No. 1244, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1244, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1521 and 1244 had passed Final Reading at 9:14 o'clock p.m.

At 9:14 o'clock p.m., Representative Apo asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:36 o'clock p.m.

Conf. Com. Rep. No. 78 on H.B. No. 1931, HD1, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 79 on H.B. No. 521, SD1, CD1:

On motion by Representative Hiraki, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.B. No. 521, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO BOXING COMMIS-SION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 521 had passed Final Reading at 9:37 o'clock p.m.

Conf. Com. Rep. No. 80 on H.B. No. 1907, HD1, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

At this time, Representative Hemmings rose on a point of personal inquiry.

Directed by the Chair to state his point, Representative Hemmings asked:

"Mr. Speaker, is there any particular reason why these measures are being deferred until the end of the calendar?"

The Chair replied:

"Yes, we're checking measures introduced in the Senate on these bills on their clocking on Friday; we just want to make sure that those bills clocked in the Senate were clocked on time."

Representative Hemmings then asked:

"But, Mr. Speaker, the Order of the Day was printed this morning?"

The Chair answered in the affirmative and Representative Hemmings then inquired:

"Then we're checking on the legality of these bills?"

The Chair answered in the affirmative and Representative Hemmings then thanked the Chair.

Conf. Com. Rep. No. 81 on H.B. No. 951, HD1, SD2, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 82 on H.B. No. 121, HD1, SD2, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 83 on H.B. No. 1270, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 84 on H.B. No. 922, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 85 on S.B. No. 576, SD1, HD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 86 on S.B. No. 141, HD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 87 on S.B. No. 154, SD2, HD2, CD1:

On motion by Representative Metcalf, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 154, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A COMPUTERIZED FINGERPRINT IDENTIFICATION SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 88 on S.B. No. 255, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.B. No. 255, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Anderson, Bunda, Liu, Marumoto, Medeiros and Ribellia voting no.

The Chair directed the Clerk to note that S.B. Nos. 154 and 255 had passed Final Reading at 9:39 o'clock p.m.

Conf. Com. Rep. No. 89 on S.B. No. 1446, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 1446, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 90 on H.B. No. 4, HD2, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 91 on S.B. No. 431, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 431, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1446 and 431 had passed Final Reading at 9:40 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1580) recommending that S.B. No. 968, SD1, pass Third Reading.

On motion by Representative Souki, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and S.B. No. 968, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE HONOLULU STREAM HYDRO PROJECT", passed Third Reading by a vote of 51 ayes.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1581) recommending that S.B. No. 1295, SD2, pass Third Reading.

On motion by Representative Souki, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.B. No. 1295, SD2, entitled: "A BILL FOR AN ACT ESTABLISHING A GUANGDONG PROVINCE SPECIAL EXCHANGE PROGRAM AND MAKING AN APPROPRIATION THEREFOR", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 968 and 1295 had passed Third Reading at 9:41 o'clock p.m.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1582) recommending that S.B. No. 1431, SD1, pass Third Reading.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1431, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING IMPAIRED", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1431 had passed Third Reading at 9:42 o'clock p.m.

At 9:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:49 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of reconsidering action previously taken.

#### RECONSIDERATION OF ACTION TAKEN

Representative Metcalf moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate to H.B. No. 421, HD2, seconded by Representative Hagino.

Representative Metcalf then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. No. 421, HD2.

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

By unanimous consent, H.B. No. 421 HD2, SD1, was taken from the Clerk's desk.

On motion by Representative Metcalf, seconded by Representative Hagino and carried, the House agreed to the amendments proposed by the

House to H.B. No. 421, HD2, and H.B. No. 421, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 421 had passed Final Reading at 9:55 o'clock p.m.

At 9:55 o'clock p.m., Representative Apo asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:56 o'clock p.m.

By unanimous consent, H.C.R. No. 50, SD1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Yoshimura and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 50 and H.C.R. No. 50, SD1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO INCREASING RECOGNITION FOR HAWAII NATIONAL GUARD MEMBERS", was finally adopted.

#### RECONSIDERATION OF ACTION TAKEN

Representative Shon moved to reconsider action previously taken in adopting Standing Committee Report No. 1319 on H.R. No. 198, HD1, and Standing Committee Report 1230 on H.R. No. 268, HD1, seconded by Representative Leong.

At 9:58 o'clock p.m., Representative Apo asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:02 o'clock p.m. Representative Shon withdrew his motion to reconsider action previously taken on Standing Committee Report No. 1319 on H.R. No. 198, HD1, and on Standing Committee Report No. 1230 on H.R. No. 268, HD1, and Representative Leong withdrew his second.

"THE FOURTEENTH LEGISLATURE  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

April 27, 1987

To the Speaker of the House of Representatives and the President of the Senate:

Your petitioners, members of the House of Representatives and of the Senate of the Fourteenth Legislature of the State of Hawaii, respectfully request an extension of 2 days beyond the sixtieth day of the Regular Session of 1987 of the Fourteenth Legislature of the State of Hawaii.

Signed by all members of the Senate

Signed by all members of the House."

#### "PROCLAMATION

We, Richard S.H. Wong, President of the Senate, and Daniel J. Kihano, Speaker of the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled to, do hereby extend the Regular Session of 1987 of the Fourteenth Legislature of the State of Hawaii for a period of Two Days beyond the Sixtieth day of the 1987 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S.H. Wong

President of the Senate

/s/ Daniel J. Kihano

Speaker of the House  
of Representatives"

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

By unanimous consent, action on H.B. Nos. 1528, HD1, SD1; 1257, HD1, SD1; 1230, HD1, SD1; 1740, SD1; 211, HD1, SD1; 1617, HD1, SD1; 1511, HD1, SD1 and 891, SD1, was deferred one day.

By unanimous consent, action on S.B. No. 11, SD1; H.B. No. 1227, HD2, SD2, CD1; H.B. No. 1002, SD1, CD1; S.B. No. 1660, HD1, CD1; H.B. Nos. 903, HD1, SD1, CD1; 1931, HD1, SD1, CD1; 1907, HD1, SD1, CD1; 951, HD1, SD2, CD1; 121, HD1, SD2, CD1; 1270, SD1, CD1; 922, SD1, CD1; S.B. Nos. 576, SD1, HD1, CD1; 141, HD1, CD1; and H.B. No. 4, HD2, SD1, CD1, was deferred until April 29, 1987.

At this time, Representative Apo made the following motion, seconded by Representative Anderson and carried: "I move to keep the Journal open until midnight for the Clerk to receive Conference Committee Reports in order to comply with the constitutional 48-hour availability requirement."

At 10:08 o'clock p.m., the Chair declared the House in recess for the purpose of receiving conference committee reports.

#### CONFERENCE COMMITTEE REPORTS

Representative Shon, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 581, HD1, SD2, CD1, presented a report (Conf. Com. Rep. No. 92) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 92 on H.B. No. 581, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 581, HD1, SD2, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 287, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 93) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 93 on H.B. No. 287, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 287, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 328, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 94) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, considera-

tion of Conf. Com. Rep. No. 94 on H.B. No. 328, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 328, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 418, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 95) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 95 on H.B. No. 418, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 418, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1861, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 96) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 96 on H.B. No. 1861, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1861, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1530, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 97) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 97 on H.B. No. 1530, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1530, HD1, SD1, CD1, were made available to the members of the House at 9:30

o'clock a.m.

Representatives Hirono and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 520, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 98) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 98 on H.B. No. 520, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 520, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representatives Levin and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 548, SD2, HD1, CD1, presented a report (Conf. Com. Rep. No. 99) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 99 on S.B. No. 548, SD2, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 548, SD2, HD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representatives Honda and Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 398, SD2, HD2, CD1, presented a report (Conf. Com. Rep. No. 100) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 100 on S.B. No. 398, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 398, SD2, HD2, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representatives Andrews, Honda and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1164, SD1, HD1, CD1, presented a

report (Conf. Com. Rep. No. 101) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 101 on S.B. No. 1164, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1164, SD1, HD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representatives Andrews, Takamine and Fukunaga for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1747, SD2, HD2, CD1, presented a report (Conf. Com. Rep. No. 102) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 102 on S.B. No. 1747, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1747, SD2, HD2, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 285, SD1, CD1, presented a report (Conf. Com. Rep. No. 103) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 103 on H.B. No. 285, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 285, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1525, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 104) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 104 on H.B. No. 1525, HD1, SD1, CD1, was

deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1525, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representative Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1585, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 105) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 105 on H.B. No. 1585, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1585, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock a.m.

Representatives Levin and Andrews, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1849, HD1, SD1, CD2, presented a report (Conf. Com. Rep. No. 106) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 106 on H.B. No. 1849, HD1, SD1, CD2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1849, HD1, SD1, CD2, were made available to the members of the House at 2:30 o'clock p.m.

Representatives Takamine and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 634, SD1, HD1, CD1, presented a report (Conf. Com. Rep. No. 107) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 107 on S.B. No. 634, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 634, SD1, HD1, CD1, were made available to the members of the House at 5:20 o'clock p.m.

Representative Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 320, SD2, HD1, CD1, presented a report (Conf. Com. Rep. No. 108) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 108 on S.B. No. 320, SD2, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 320, SD2, HD1, CD1, were made available to the members of the House at 5:20 o'clock p.m.

Representatives Metcalf and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1735, SD2, HD2, CD1, presented a report (Conf. Com. Rep. No. 109) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 109 on S.B. No. 1735, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1735, SD2, HD2, CD1, were made available to the members of the House at 6:44 o'clock p.m.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1000, HD2, CD1, presented a report (Conf. Com. Rep. No. 110) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 110 on S.B. No. 1000, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1000, HD2, CD1, were made available to the members of the House at 6:45 o'clock p.m.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 769, SD1, HD1, CD1, presented a report (Conf. Com. Rep. No. 111) recommending to their respective Houses the final passage of

the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 111 on S.B. No. 769, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 769, SD1, HD1, CD1, were made available to the members of the House at 7:20 o'clock p.m.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 486, SD1, HD1, CD1, presented a report (Conf. Com. Rep. No. 112) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 112 on S.B. No. 486, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 486, SD1, HD1, CD1, were made available to the members of the House at 7:20 o'clock p.m.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 847, SD1, HD1, CD1, presented a report (Conf. Com. Rep. No. 113) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 113 on S.B. No. 847, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 847, SD1, HD1, CD1, were made available to the members of the House at 7:20 o'clock p.m.

Representatives Takamine and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1367, SD1, HD2, CD1, presented a report (Conf. Com. Rep. No. 114) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 114 on S.B. No. 1367, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Con-

stitution of the State of Hawaii, printed copies of S.B. No. 1367, SD1, HD2, CD1, were made available to the members of the House at 8:35 o'clock p.m.

Representative Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 49, HD1, SD2, CD1, presented a report (Conf. Com. Rep. No. 115) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 115 on H.B. No. 49, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 49, HD1, SD2, CD1, were made available to the members of the House at 9:20 o'clock p.m.

Representative Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1068, HD1, CD1, presented a report (Conf. Com. Rep. No. 116) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 116 on S.B. No. 1068, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1068, HD1, CD1, were made available to the members of the House at 9:40 o'clock p.m.

Representatives Takamine and Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1500, HD1, SD2, CD1, presented a report (Conf. Com. Rep. No. 117) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 117 on H.B. No. 1500, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1500, HD1, SD2, CD1, were made available to the members of the House at 10:45 o'clock p.m.

Representatives Shito and Fuku-

naga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 310, SD2, CD1, presented a report (Conf. Com. Rep. No. 118) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 118 on H.B. No. 310, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 310, SD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Levin and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 35, HD1, SD2, CD1, presented a report (Conf. Com. Rep. No. 119) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 119 on H.B. No. 35, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 35, HD1, SD2, CD1, were made available to the members of the House at 11:40 o'clock p.m.

Representatives Takamine and Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 42, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 120) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 120 on H.B. No. 42, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 42, HD1, SD1, CD1, were made available to the members of the House at 11:45 o'clock p.m.

Representatives Takamine and Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 444, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 121) recommending to their respective Houses the final passage of the bill with certain

amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 121 on H.B. No. 444, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 444, HD1, SD1, CD1, were made available to the members of the House at 11:58 o'clock p.m.

Representatives Takamine and Hirono, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 445, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 122) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 122 on H.B. No. 445, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 445, HD1, SD1, CD1, were made available to the

members of the House at 11:58 o'clock p.m.

Representatives Takamine and Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 706, HD1, SD2, CD1, presented a report (Conf. Com. Rep. No. 123) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 123 on H.B. No. 706, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 706, HD1, SD2, CD1, were made available to the members of the House at 11:58 o'clock p.m.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., tomorrow, Tuesday, April 28, 1987.

## SIXTY-FIRST DAY

Tuesday, April 28, 1987

The House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Ezra Kanoho, after which the Roll was called showing all members present with the exception of Representatives Bunda, Fukunaga, Hagino, Hirono, Ihara, Jones, Peters, Pfeil and Taniguchi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixtieth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 964 to 966i) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 964) returning House Concurrent Resolution No. 119, HD 1, which was adopted by the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 965) 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. 2, HD 1, SD 1, CD 1, was adopted by the Senate; and House Bill No. 2, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966) informing the House that Senate Bill No. 559, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966a) returning House Bill No. 305, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966b) returning House Bill No. 529, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate

(Sen. Com. No. 966c) returning House Bill No. 1000, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966d) returning House Bill No. 1252, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966e) returning House Bill No. 1256, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966f) returning House Bill No. 1336, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966g) returning House Bill No. 1512, HD 1, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966h) returning House Bill No. 1536, HD 1, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 966i) returning House Bill No. 1710, HD 1, which passed Third Reading in the Senate on April 27, 1987, was placed on file.

At this time, Representative Crozier introduced to the members of the House Ms. Blanca Larsen, "a young lady who has worked very hard for the school system in the State, especially in the Makakilo, Honokai Hale area."

## ORDER OF THE DAY

## STANDING COMMITTEE REPORTS

Representative Hagino, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1585) recommending that S.C.R. No. 81 be adopted.

On motion by Representative Arakaki, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ADEQUACY OF

THE BASIC NEEDS ALLOWANCE AND SHELTER ALLOWANCE SCHEDULE UNDER THE PUBLIC ASSISTANCE PROGRAM", was adopted.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1586) recommending that H.R. No. 206, as amended in HD 1, be adopted.

On motion by Representative Metcalf, seconded by Representative Arakaki and carried, the report of the Committee was adopted and H.R. No. 206, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE TO DEVELOP PLANS FOR A COMPREHENSIVE JUVENILE JUSTICE SYSTEM WITHIN THE FAMILY COURTS", was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1587) recommending that H.R. No. 434 be adopted.

On motion by Representative Souki, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 434, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF METHODS FOR PROVIDING INSURANCE TO HAWAII RESIDENTS LOCATED IN AREAS SUSCEPTIBLE TO NATURAL DISASTERS AND VANDALISM", was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1588) recommending that S.C.R. No. 56 be adopted.

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DESIGNATE THE BISHOP MUSEUM AS THE HAWAII STATE MUSEUM FOR NATURAL AND CULTURAL HISTORY", was adopted.

Representative Takamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1589) recommending that H.R. No. 358, as amended in HD 1, be adopted.

On motion by Representative Takamine, seconded by Representative Yoshimura and carried, the report of the Committee was adopted and H.R. No. 358, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE CIVIL SERVICE SECRE-

TARIAL COMPENSATION PLANS", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1590) recommending that H.R. No. 448, as amended in HD 1, be adopted.

Representative Anderson rose and stated:

"Mr. Speaker, I would like to go 'no' on these resolutions. While I'm at it, Mr. Speaker, the reason I've been going 'no' is, just roughly before the computer broke down the other day, we now have 33 resolutions for the Department of Transportation; 24 for Economic Development; 10 for the Department of Health; 17 for Land and Natural Resources; 29 for the Department of Education; 9 for the Consumer Protection. That's just to mention a few of these fives, and fours, and threes.

"Most of them are studies without money. Most of them are going to keep the departments from doing a job that they are supposed to do. If this is supposed to be a 'new beginning,' I don't think that we're doing our job with this 'new beginning.' We're putting resolutions like I've never seen before, and they're all for adoption.

"If the departments have got to do the job that we're giving them, they will not be able to do their jobs for the people of the State. And for that reason, Mr. Speaker, I go no."

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 448, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO INVENTORY AND TO RECOMMEND MEASURES TO MANAGE AND PROTECT ANCIENT HIGHWAYS AND TRAIL AND OTHER PUBLIC EASEMENTS", was adopted, with Representative Anderson voting no.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1591) recommending that H.R. No. 241, as amended in HD 1, be adopted.

Representative Liu rose and stated:

"I would like to rise to speak against House Resolution 241, HD 1. I just don't think it is needed so I would hope the Clerk would cast a 'no' vote for me.

"Thank you."

Representative Apo, in rebuttal to Representative Anderson's comments, stated:

"Mr. Speaker, I just want to point out that, in the interim, I think it is understood that these resolutions are screened by the leadership of both houses and those that we decide to support get acted on; those that we don't decide to support don't get acted on.

"So there is a check and balance process, and that I would prefer to keep the system open, democratic, and to allow these ideas to come forward, make our decisions in post session meetings as to which resolutions we would be willing to support.

"Thank you, Mr. Speaker."

Representative Anderson, in rebuttal, stated:

"I would like to know, Mr. Speaker, if we're doing this, then why we can't go ahead and look at it beforehand. Why do we sit down, for the first time that I've ever seen, spending our time on this floor, wasting the staffs' time, wasting paper, when we don't know what we really want? If the Majority is going to go ahead and they know what they are going to look at, then, by God, you can sit down in Policy that you've been having meetings, and standing on the floor and saying, 'policy meeting, policy meeting' -- then make some policy and look at some things. Let's move ahead. If we're going to move, we move. But we don't go ahead and jam up a whole process, and staff, and everybody else, and sitting here for hours waiting for resolutions that may never work, if that's what you're saying.

"But, I've never seen them adopted in this manner, and I think it is a waste of time for all of us.

"Thank you."

Representative Crozier rose and commented:

"I have some resolutions in there to have the Department of Transportation make some studies. The reason I have those resolutions in there is to

flag out areas in my community where the Department of Transportation has not addressed. Being the closest representative to the people, they come to me with their problems. This is one way to get the message to the Department to look at the concerns that are out there.

"Thank you."

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 241, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF HAWAII'S LAND USE POLICIES AND THEIR RELATIONSHIP TO AND EFFECT ON HAWAII'S HOUSING SITUATION", was adopted, with Representatives Anderson and Liu voting no.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1592) recommending that H.R. No. 222, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 222, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE CONSTRUCTION OF A PERMANENT SIXTEEN CLASSROOM BUILDING AT KAIMILOA ELEMENTARY SCHOOL", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1593) recommending that H.R. No. 50 be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO COORDINATE THE IMPLEMENTATION OF TITLE III OF THE FEDERAL SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986, ENTITLED: THE FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1594) recommending that H.R. No. 95, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Com-

mittee was adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION INCREASING INCENTIVES FOR ADULT SUPERVISORS IN OUR SCHOOLS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1595) recommending that H.R. No. 94 be adopted.

Representative Liu then rose and stated:

"Mr. Speaker, I rise to speak against House Resolution No. 94 and House Resolution No. 235, just to indicate that I shall be voting 'no' for similar reasons that I did on the earlier resolutions. I don't think these two are needed.

"Thank you."

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF HIRING SECURITY ATTENDANTS TO PATROL SCHOOL CAMPUSES AT NIGHT", was adopted, with Representative Liu voting no.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1596) recommending that H.R. No. 235, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 235, HD 1, entitled: "HOUSE RESOLUTION REQUESTING INTERIM HEARINGS ON REDUCTION OF CLASS SIZE IN THE PUBLIC SCHOOLS", was adopted, with Representative Liu voting no.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1597) recommending that H.R. No. 89, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 89, HD 1, entitled: "HOUSE RESOLUTION CONCERNING QUARANTINE INSPECTORS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1598) recommending that H.R. No. 84, HD

1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 84, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN OR ACTION FOR REGULAR MAINTENANCE OF PUBLIC FACILITIES", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1599) recommending that H.R. No. 259 be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 259, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPROVE PROGRAMS RELATED TO FOOD AND DRUG INSPECTION", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1600) recommending that H.R. No. 67, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 67, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF FLORIDA'S IN-HOUSE TELEVISION EDUCATIONAL PROGRAM FOR PRISONERS", was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1601) recommending that S.C.R. No. 80 be adopted.

By unanimous consent, action was deferred one day.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1602) recommending that S.C.R. No. 175, SD 1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Apo and carried, the report of the Committee was adopted and S.C.R. No. 175, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION FOR THE SUPPORT OF LEGISLATION AND OTHER PROGRAMS TO HELP CONTROL THE PLASTIC AND NET POL-

LUTION OF OUR OCEANS", was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1603) recommending that S.C.R. No. 100, SD 1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Apo and carried, the report of the Committee was adopted and S.C.R. No. 100, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE UNITED STATES EXCLUSIVE ECONOMIC ZONE", was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1604) recommending that H.R. No. 402, as amended in HD 1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Apo and carried, the report of the Committee was adopted and H.R. No. 402, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A HAWAII OCEAN CENTER PLANNING COUNCIL", was adopted.

Representatives Andrews and Hiro-no, for the Committees on Planning, Energy and Environmental Protection and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1605) recommending that H.R. No. 352 be adopted.

On motion by Representative Andrews, seconded by Representative Hiraki and carried, the joint report of the Committees was adopted and H.R. No. 352, entitled: "HOUSE RESOLUTION REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION IN OPPOSING THE IMPOSITION OF A FEE OR QUOTA ON THE IMPORTATION OF CRUDE OIL AND PETROLEUM PRODUCTS", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1606) recommending that H.R. No. 455 be referred to the Committee on Water, Land Use, Development and Hawaiian Affairs.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and H.R. No.

455, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATEWIDE LITTER REDUCTION PROGRAM FOR THE STATE OF HAWAII", was referred to the Committee on Water, Land Use, Development and Hawaiian Affairs.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1607) recommending that S.C.R. No. 138, SD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and S.C.R. No. 138, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE SUPPORT EFFORTS FOR THE FEDERAL ACQUISITION OF THE CRATER HILL COASTAL WILDLANDS AREA ABUTTING THE KILAUEA POINT NATIONAL WILDLIFE REFUGE, KAUAI", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1608) recommending that S.C.R. No. 90 be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and S.C.R. No. 90, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL TO MONITOR AND COORDINATE THE PROGRESS OF PESTICIDE ACTION PLANS DEVELOPED UNDER ACT 275, SESSION LAWS OF HAWAII, 1984, AS AMENDED BY ACT 127, SESSION LAWS OF HAWAII, 1985", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1609) recommending that S.C.R. No. 149 be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH INVESTIGATE AND REPORT ON PROCEDURES AND FACILITIES FOR FUTURE RESPONSE TO POSSIBLE

CONTAMINATION OF MARINE FOOD PRODUCTS IN THE EVENT THAT HAWAII'S COASTAL SHORES AND WATERS ARE AFFECTED BY OIL SPILLS AND OTHER POLLUTION", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1610) recommending that S.C.R. No. 63, SD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and S.C.R. No. 63, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY ENCOURAGING THE COUNTIES TO ADOPT CERTAIN LITTER ORDINANCES", was adopted.

Representative Andrews, for the Committee on the Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1611) recommending that S.C.R. No. 160 be adopted.

On motion by Representative Andrews, seconded by Representative Kanoho and carried, the report of the Committee was adopted and S.C.R. No. 160, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF AND AVAILABLE OPTIONS FOR ESTABLISHING A STATE-WIDE GEOGRAPHIC INFORMATION SYSTEM", was adopted.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1612) recommending that H.R. No. 447, as amended in HD 1, be adopted.

Representative Liu rose to speak against the resolution, stating:

"Mr. Speaker, I think this resolution covers ground that we have done in the past ten years, and many of us are familiar with the earlier problems with the compensation fund. The resolution outlines a number of supposedly new conditions that might be tied for such a new fund, but I think these conditions were discussed not too many years ago. I don't think the situation has changed very much. I would not like to see a new patients' compensation fund instigated in this State. I don't believe the State should be in the business of providing insurance. For that reason, I hope we all vote 'no' on this.

"Thank you, Mr. Speaker."

On motion by Representative Okamura, seconded by Representative Alcon and carried, the report of the Committee was adopted and H.R. No. 447, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO: (1) EXPEDITE THE COMPLETION OF ITS CLOSED CLAIM STUDY CONTAINING AN EVALUATION OF THE OPERATION AND EFFECTS OF THE 1986 TORT REFORM ACT, INCLUDING RECOMMENDATIONS FOR CHANGES OR REPEAL OF ITS PROVISIONS OR PORTIONS THEREOF AND (2) STUDY THE FEASIBILITY OF ESTABLISHING A NEW PATIENTS' COMPENSATION FUND AND OTHER ALTERNATIVES FOR PROVIDING FOR THE AVAILABILITY OF MEDICAL MALPRACTICE INSURANCE TO HEALTH PROVIDERS", was adopted, with Representatives Liu and Marumoto voting no.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1613) recommending that H.R. No. 294, as amended in HD 1, be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 294, HD 1, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO PROTECT AND PROMOTE THE INDIGENOUS LANGUAGES OF THE UNITED STATES OF AMERICA", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1614) recommending that S.C.R. No. 54 be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING HANAPEPE AS THE BOUGAINVILLEA CAPITAL OF THE STATE OF HAWAII", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1615) recommending that S.C.R. No. 106 be adopted.

Representative Cavasso rose to

speak in favor of S.C.R. No. 106, stating:

"As a hiker in our valleys and mountains, I note that the trails are in poor condition, and we should encourage our people to be active in the out-of-doors, and I think that this is a positive step in that direction.

"I would also like to take this opportunity to just say 'thank you' to all of the chairmen that have given so many hearings to so many resolutions for, as far as I am concerned, resolutions can accomplish more in my community than any bills have ever done.

"Mahalo."

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 106, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT OF THE STATUS OF GOVERNMENT ROADS, TRAILS, AND RIGHTS-OF-WAY OVER PRIVATE PROPERTY", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1616) recommending that S.C.R. No. 99, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 99, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ALOHA CORPUS CONCEPT", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1617) recommending that S.C.R. No. 181 be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 181, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO OPPOSE THE IMPOSITION OF A FEE OR QUOTA ON THE IMPORTATION OF CRUDE OIL AND PETROLEUM PRODUCTS", was adopted.

Representative Levin, for the Committee on Water, Land Use, Devel-

opment and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1618) recommending that S.C.R. No. 14 be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 14, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING THE PROTECTION AND PRESERVATION OF KAPIOLANI PARK TO ENSURE A FREE PUBLIC PARK AND RECREATION GROUND FREE FROM COMMERCIAL ENTERPRISE", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1619) recommending that S.C.R. No. 101, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 101, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ESTABLISHMENT OF A STOCK, COMMODITIES, OPTIONS, AND FUTURES EXCHANGE IN HAWAII", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1620) recommending that S.C.R. No. 166, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 166, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EXPLORE THE PROBLEMS AND ISSUES RELATING TO THE FORMATION AND AVAILABILITY OF CAPITAL IN HAWAII", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1621) recommending that S.C.R. No. 151 be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 151, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE ENTRANCE FEES FOR HAWAII VOLCANOES NATIONAL PARK, HALEAKALA NATIONAL

PARK, AND PU'UHONUA O HONAUNAU NATIONAL PARK BE WAIVED FOR RESIDENTS OF THE STATE OF HAWAII", was adopted.

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1622) recommending that S.C.R. No. 46, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 46, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE SENATE TO SUPPORT THE UNITED STATES SENATE BILL 136, A BILL TO IMPROVE THE HEALTH STATUS OF NATIVE HAWAIIANS", was adopted.

Representatives Levin and Souki, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Finance, presented a joint report (Stand. Com. Rep. No. 1623) recommending that S.C.R. No. 173, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative Souki and carried, the joint report of the Committees was adopted and S.C.R. No. 173, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INITIATE CONDEMNATION PROCEEDINGS ON CERTAIN PARCELS OF LAND IN CENTRAL OAHU FOR THE DEVELOPMENT OF A STATE VETERANS CEMETERY AND A PERMANENT PUBLIC MEMORIAL FOR VETERANS", was adopted.

Representatives Levin and Fukunaga, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1624) recommending that S.C.R. No. 102, SD 1, be adopted.

On motion by Representative Levin, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.C.R. No. 102, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE STATE OF SMALL BUSINESS IN HAWAII", was adopted.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:43 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Ihara and Taniguchi.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Apo, seconded by Representative Anderson and carried, the following resolutions (H.R. Nos. 481 to 501) were adopted:

A resolution (H.R. No. 481) commemorating the sesquicentennial anniversary of the founding of Elele School on Kauai was jointly offered by Representatives Kawakami, Alcon, Anderson, Andrews, Apo, Arakaki, Bellinger, Bunda, Cachola, Crozier, Hagino, Hashimoto, Hayes, Hemmings, Hiraki, Hirono, Honda, D. Ige, M. Ige, Isbell, Kanoho, Lee, Leong, Levin, Liu, Marumoto, Medeiros, Metcalf, O'Kieffe, Oshiro, Peters, Pfeil, Ribellia, Say, Shito, Shon, Souki, Tajiri, Tam, Taniguchi, Tom, Tungpalan, Yoshimura and Kihano.

A resolution (H.R. No. 482) commemorating the 25th anniversary of Noelani Elementary School was jointly offered by Representatives Taniguchi, Fukunaga, Alcon, Anderson, Andrews, Apo, Arakaki, Bellinger, Bunda, Cavasso, Crozier, Hagino, Hashimoto, Hayes, Hemmings, Hiraki, Hirono, Honda, Horita, D. Ige, M. Ige, Ihara, Isbell, Jones, Kanoho, Kawakami, Lee, Leong, Levin, Liu, Marumoto, Medeiros, Metcalf, Okamura, O'Kieffe, Oshiro, Pfeil, Ribellia, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Tom, Tungpalan, Yoshimura and Kihano.

A resolution (H.R. No. 483) recognizing and honoring the accomplishments of Mau Piailug was jointly offered by Representatives Apo, Bellinger, Crozier, Hashimoto, Hemmings, Hiraki, Hirono, Honda, Horita, Isbell, Marumoto, Oshiro, Pfeil, Ribellia, Shon, Tam, Taniguchi, Tungpalan and Yoshimura.

A resolution (H.R. No. 484) recognizing and honoring the accomplishments of Nainoa Thompson was jointly offered by Representatives Apo, Alcon, Bunda, Hagino, Hemmings, Hiraki, Hirono, Honda, Jones, Lee, Leong, Liu, Marumoto, Okamura, O'Kieffe, Oshiro, Shon, Souki, Takamine, Taniguchi, Tungpalan, Yoshimura and Kihano.

A resolution (H.R. No. 485) recognizing and honoring the crew members of the Hokule'a was jointly offered by Representatives Apo, Bellinger,

Crozier, Hashimoto, Hemmings, Hiraki, Hirono, Honda, Horita, Isbell, Marumoto, Oshiro, Pfeil, Ribellia, Shon, Tam, Taniguchi, Tungpalan and Yoshimura.

A resolution (H.R. No. 486) recognizing the Waianae Coast Comprehensive Health Center on its fifteenth anniversary as the major health care provider on the Waianae Coast was jointly offered by Representatives Apo and Peters.

A resolution (H.R. No. 487) congratulating Corazon Aquino on being named TIME magazine's Woman of the Year for 1986 was jointly offered by Representatives Say, Andrews, Apo, Arakaki, Bellinger, Bunda, Crozier, Fukunaga, Hemmings, Honda, Horita, D. Ige, M. Ige, Kanoho, Lee, Leong, Levin, O'Kieffe, Oshiro, Peters, Shito, Shon, Tam, Taniguchi, Tom and Yoshimura.

A resolution (H.R. No. 488) congratulating Mr. George Roberts for his outstanding career and support of programs for protecting and preserving the environment of Hawaii was jointly offered by Representatives Say and Honda.

A resolution (H.R. No. 489) congratulating and commending The Kamehameha Secondary School for its sixty-fifth annual song contest was jointly offered by Representatives Say, Kanoho, Kawakami, Alcon, Anderson, Andrews, Apo, Arakaki, Bellinger, Bunda, Cachola, Cavasso, Crozier, Fukunaga, Hagino, Hashimoto, Hayes, Hemmings, Hiraki, Hirono, Honda, Horita, D. Ige, M. Ige, Ihara, Isbell, Jones, Lee, Leong, Levin, Liu, Marumoto, Medeiros, Metcalf, Okamura, O'Kieffe, Oshiro, Peters, Pfeil, Ribellia, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom, Tungpalan, Yoshimura and Kihano.

A resolution (H.R. No. 490) commending and extending "The Aloha Spirit" to Lieutenant General William H. Schneider, Deputy Pacific Commander-in-Chief was jointly offered by Representatives Say, Alcon, Andrews, Apo, Arakaki, Bellinger, Bunda, Cachola, Crozier, Fukunaga, Hemmings, Honda, Horita, D. Ige, M. Ige, Kanoho, Lee, Leong, Levin, O'Kieffe, Oshiro, Peters, Shito, Shon, Tam, Taniguchi, Tom and Yoshimura.

A resolution (H.R. No. 491) recognizing the permanent closing of Anuenue Elementary School on May 29, 1987, and of its consolidation with

Palolo Elementary School in September 1987 was jointly offered by Representatives Say, Anderson, Bunda, Crozier, Hashimoto, Honda, D. Ige, Ihara, Isbell, Lee, Levin, O'Kieffe, Oshiro, Ribellia, Shito, Shon, Tam, Taniguchi and Yoshimura.

A resolution (H.R. No. 492) recognizing and honoring Dr. Edward J. Kormondy upon his installation as Chancellor for the University of Hawaii at Hilo and West Oahu College was jointly offered by Representatives Levin, Kihano, O'Kieffe, Bunda, Lee, Crozier, Oshiro, Hashimoto, D. Ige, Shito, Okamura, Peters, Isbell, Tajiri, Apo, Tungpalan, Hayes, Taniguchi, Takamine and Metcalf.

A resolution (H.R. No. 493) recognizing and congratulating the Hawaii State Hospice Network was jointly offered by Representatives Andrews, Alcon, Anderson, Apo, Arakaki, Bellinger, Bunda, Cachola, Cavasso, Crozier, Fukunaga, Hagino, Hashimoto, Hayes, Hemmings, Hiraki, Hirono, Honda, Horita, D. Ige, M. Ige, Ihara, Isbell, Jones, Kanoho, Kawakami, Lee, Leong, Levin, Liu, Marumoto, Medeiros, Metcalf, Okamura, O'Kieffe, Oshiro, Peters, Pfeil, Ribellia, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom, Tungpalan and Yoshimura.

A resolution (H.R. No. 494) commending the committee to commemorate the 1946 Sakadas was jointly offered by Representatives Cachola, Alcon, Tungpalan, Kihano, Bunda, Ribellia, Anderson, Hagino, Hayes, Honda, Isbell, Marumoto and Shito.

A resolution (H.R. No. 495) congratulating the Farrington High School Wahine Basketball team on capturing the 1987 OIA East title was jointly offered by Representatives Arakaki, Yoshimura, Alcon and Cachola.

A resolution (H.R. No. 496) congratulating Hawaiian Electric Company in declaring Tracks Beach lease to the City and County of Honolulu was jointly offered by Representatives Arakaki, Crozier, Peters, Apo and Hemmings.

A resolution (H.R. No. 497) extending congratulations and best wishes to Mr. Kevin Sugimoto for achieving the rank of Eagle Scout in the Boy Scouts of America was jointly offered by Representatives Alcon, Apo, Arakaki, Crozier, Hagino, Hayes, Hiraki, Honda, Horita, Lee, Leong, Levin, Marumoto, Okamura, Oshiro, Say, Takamine, Tungpalan

and Yoshimura.

A resolution (H.R. No. 498) extending congratulations and best wishes to Mr. Paul Martin for achievement in Boy Scouts of America was jointly offered by Representatives Alcon, Apo, Arakaki, Crozier, Hagino, Hayes, Hiraki, Honda, Horita, Lee, Leong, Levin, Marumoto, Okamura, Oshiro, Say, Takamine, Tungpalan and Yoshimura.

A resolution (H.R. No. 499) extending congratulations and best wishes to Mr. Brian Suzuki for achievement in Boy Scouts of America was jointly offered by Representatives Alcon, Apo, Arakaki, Crozier, Hagino, Hayes, Hiraki, Honda, Horita, Lee, Leong, Levin, Marumoto, Okamura, Oshiro, Say, Takamine, Tungpalan and Yoshimura.

A resolution (H.R. No. 500) extending congratulations and best wishes to Mr. Barry Brockman for achievement in Boy Scouts of America was jointly offered by Representatives Alcon, Apo, Arakaki, Crozier, Hagino, Hayes, Hiraki, Honda, Horita, Lee, Leong, Levin, Marumoto, Okamura, Oshiro, Say, Takamine, Tungpalan and Yoshimura.

A resolution (H.R. No. 501) extending congratulations and best wishes to Mr. Synton Pascual for achieving the rank of Eagle Scout in the Boy Scouts of America was jointly offered by Representatives Alcon, Apo, Arakaki, Crozier, Hagino, Hayes, Hiraki, Honda, Horita, Lee, Leong, Levin, Marumoto, Okamura, Oshiro, Say, Takamine, Tungpalan and Yoshimura.

At 11:54 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:45 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Fukunaga.

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.C.R. No. 22, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Levin moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 22, HD 1, and that H.C.R. No. 22, HD 1, SD 1, be finally adopted, seconded by Representative D. Ige.

Representative Liu rose and inquired whether or not the Chairman of the Water, Land Use, Development and Hawaiian Affairs Committee would yield to a question, to which Representative Levin answered in the affirmative.

Representative Liu inquired:

"With your permission, Mr. Speaker, would perhaps the Chairman describe the resolution and what the changes were prior to the voting?"

Representative Levin answered:

"The changes were simply typographical changes. The purpose of the resolution is to request that the United States Congress support legislation to provide comprehensive health care services for native Hawaiians."

Representative Liu thanked the Chair.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate in H.C.R. No. 22, HD 1, SD 1; and H.C.R. No. 22, HD 1, SD 1, was finally adopted.

By unanimous consent, H.C.R. No. 148, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Honda moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 148, HD 1, and that H.C.R. No. 148, HD 1, SD 1, be finally adopted, seconded by Representative Say.

Representative Liu rose and requested whether or not the Chairman of the Agriculture Committee would yield to a question, to which Representative Honda replied in the affirmative.

Representative Liu asked:

"Could you, Mr. Chairman, perhaps give us a quick summary of the resolution and if there are any significant changes?"

Representative Honda answered:

"The Senate amendment in this resolution -- all they did was to include the Health Department as part of the study. That's it."

Representative Liu asked:

"Resolution to refresh our memo-

ries, Mr. Chairman, deals with?"

Representative Honda answered:

"Request the Agriculture and Health Committees to evaluate programs related to feed, egg, meat, poultry, especially pesticide enforcement, and plant quarantine."

Representative Liu thanked the Chair.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 148, HD 1; and H.C.R. No. 148, HD 1, SD 1, was finally adopted.

By unanimous consent, H.C.R. No. 104, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Hashimoto, seconded by Representative Okamura and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 104, HD 1; and H.C.R. No. 104, HD 1, SD 1, was finally adopted.

#### RECONSIDERATION OF ACTION TAKEN

Representative Andrews moved that the House reconsider its action taken earlier in adopting Stand. Com. Rep. No. 1606 and referring H.R. No. 455 to the Committee on Water, Land Use, Development and Hawaiian Affairs, seconded by Representative Levin.

Representative Liu rose and inquired whether or not the movant would yield to a question, to which Representative Andrews replied in the affirmative.

Representative Liu asked:

"Would the movant care to explain why we should move to reconsider?"

Representative Andrews answered:

"Accommodating one of your members."

Representative Liu thanked the Chair.

Representative Andrews moved that notwithstanding the recommendation of the Committee Report, that H.R. No. 455 be adopted, seconded by Representative Levin.

Representative Isbell rose to speak

in favor of the motion, stating:

"I just wanted to speak in favor of the motion and to thank the Committee Chairman for accommodating this because it slipped through the net, so to speak, and I appreciate it very much.

"Thank you."

The motion was put by the Chair and carried, and notwithstanding the recommendation of the Committee Report, H.R. No. 455, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATEWIDE LITTER REDUCTION PROGRAM FOR THE STATE OF HAWAII", was adopted.

#### ANNOUNCEMENTS

Representative Metcalf rose and requested waiver of the 48-hour notice for hearings on certain resolutions to be heard at 1:30 today by the House Judiciary Committee, and the Chair "so ordered."

Representative Bellinger rose and stated:

"Mr. Speaker and fellow colleagues, last night we ended rather abruptly and we didn't get much of an opportunity to make any comments regarding the pineapples that you all have on your desks.

"As you know, the Freshmen have been pretty much the 'Pineapple Gang' down here and we wanted to simply provide each member with a pineapple, just as a small token of aloha for a very unique experience for us.

"This first session that we've undergone has been very interesting. I know it's not over but with all the motion that's going on for tomorrow, or for whenever, this is probably the most appropriate time to thank all of you for having this, probably one of the more memorable experiences that we've ever undergone. We've had a range of activities and there's been issues which have generated tremendous controversy; we've had occurrences which have brought tremendous sorrow; we've seen the House pull together contrary to the opinions expressed in the newspapers and the media regarding the lack of leadership.

"On the contrary, I think that

we've done very well -- compliments to you, Mr. Speaker, to the Vice Speaker, and to the various chairmen who have worked so hard during this session. And especially to our various chairmen who have shown the leadership and who have taken the time to go that extra mile with those of us that are new and for just sort of providing some guidance for us. It's just been a very unique experience and I would like to thank all of you.

"Aloha."

Representative Arakaki rose and stated:

"After being elected, I was given a history lesson. I was told that Freshmen were traditionally treated like mushrooms -- kept in the dark and fed a lot of manure. But I found that not to be the case, and as Representative Bellinger has stated, I, too, am grateful for all the time and the education that our colleagues have given us, and for their patience and understanding. Like I had mentioned at the Governor's banquet, you know, sometimes we ask really dumb questions and we take up a lot of time, but we do appreciate your understanding.

"I also want to express our gratitude to the leadership for making a genuine attempt to keep us informed and also to educate us, and to the various chairmen I have served under. They really taught us a lot, and I think that the education we received will benefit, not only ourselves, but the institution as well. So I would also like to express our gratitude.

"Thank you."

Representative Lee rose and stated:

"I would just like to add a few words to the remarks made by the previous members.

"First of all, I think we should thank Representative Rep Bellinger from us Freshmen, but also from all of us for providing the pineapples. He was the one that thought about the symbol and he was the one who brought out the pineapples.

"And there is a personal note. I am glad he chose the pineapples he did because it says 'Dole'. That's Castle and Cooke, developer of Mililani, and I can guarantee you that Mililani is one of the best-planned communities in the country, not only

in Hawaii, but in the country, on a par with Reston in Virginia, and Columbia in Maryland.

"Finally, we will be remiss, sir, if we do not include you as one of our Representatives from Mililani. And thanks to your leadership, and thanks to the warm welcome which we all have received from everyone of you, including the honorable members to my left who have been as hospitable and helpful as all of you. I think this is going to be a very memorable occasion for all of us because we would have done a lot by the time the next few days roll to an end.

"Thank you, sir."

Representative Alcon rose and stated:

"Mr. Speaker, if anybody else has to be thankful, it has to be me because of the fact that the Freshmen do not consider me as Freshman, and yet, the oldtimers do not consider me as an oldtimer. I am probably recycled.

"Mr. Speaker, I would like to thank all the members for all the courtesies that they have extended to the Office of the Vice Speaker, and I really appreciate it very much.

"Thank you very much."

Representative O'Kieffe rose and stated:

"On behalf of Representative Ribellia and myself, I would like to speak and thank all of you from the other side of the aisle for helping make my first year a significant and life-example for myself. Although I have learned a lot, I realize there is still a lot to learn. Politics mean we won't always agree but as a proud member of the loyal opposition, I am thankful for the opportunity to debate.

"I particularly want to thank my committee chairs, Representatives Andrews, Bunda, Honda, Levin, Tam and Taniguchi, for expediting public hearings and receptiveness to ideas from committee members.

"The symbol of the Freshmen legislators is the pineapple. However, the greenness of a pineapple should never be construed as not being ripe. After all, when you know how to test it, you can always tell when it is ready.

"Thank you, Mr. Speaker."

Representative Okamura: "There will be a Majority caucus tomorrow at 4:00 p.m."

At this time, Representative Taniguchi presented Representative Lee with a resolution for the most floor presentations.

Representative Apo then moved "to keep the Journal open until midnight for the Clerk to receive Conference Committee Reports in order to comply with the constitutional 48-hour availability requirement," seconded by Representative Anderson.

Representative Liu rose and stated:

"I rise to speak in favor of the motion.

"It would just be my hope that as previously discussed with distin-

guished leaders of this House, that the only two additional measures that will be decked will concern the convention center and the transient accommodation tax. So, with these words, I hope we all vote in favor of this motion.

"Thank you very much."

The motion was put by the Chair and carried.

At 12:01 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:00 p.m. tomorrow, Wednesday, April 29, 1987.

## SIXTY-SECOND DAY

Wednesday, April 29, 1987

The House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 7:25 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Joseph Leong, member of the State House of Representatives, after which the Roll was called showing all members present with the exception of Representative Bunda who was excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Fifty-Seventh and Fifty-Eighth Days.

On motion by Representative Apo, seconded by Representative Anderson and carried, reading of the Journals was dispensed with, and the Journals of the Fifty-Seventh and Fifty-Eighth Days were approved.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 123) was read by the Clerk and was disposed of as follows:

A message from the Governor (Gov. Msg. No. 123) transmitting copies of the following report prepared by the Department of Transportation: H.C.R. No. 154 (1986) REQUESTING THE CHAIRMAN OF THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW PERMITS FOR COMMERCIAL BOATING OPERATIONS ON PUBLIC BEACHES LOCATED ON THE NORTH SHORE OF KAUAI, was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 967 to 990) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 967) returning House Concurrent Resolution No. 68, HD1, requesting the Department of Education to establish a new high school in West Hawaii,

which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 968) returning House Concurrent Resolution No. 128, HD1, relating to the construction of a permanent sixteen classroom building at Kaimiloa Elementary School, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 969) returning House Concurrent Resolution No. 139, HD1, authorizing the Department of Land and Natural Resources and/or the Department of Transportation to develop through private developers and capital certain fast and submerged lands for certain enumerated purposes, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 970) returning House Concurrent Resolution No. 150, requesting the Department of Health to improve programs related to food and drug inspection, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 971) returning House Concurrent Resolution No. 151, HD1, authorizing the Department of Land and Natural Resources and/or the Department of Transportation to develop through private developers and capital certain fast and submerged lands for certain enumerated purposes, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 972) returning House Concurrent Resolution No. 180, HD1, authorizing the Department of Land and Natural Resources to dispose of certain government water rights for the purpose of constructing hydroelectric power facilities on the island of Kauai, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 973) returning House Concurrent Resolution No. 255, HD1, requesting the Department of Education to study the feasibility of establishing a public library on the North Shore of Kauai, which was adopted by the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 974) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 515, SD2, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 975) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 792, (HD2), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 976) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 797, SD1, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 977) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 994, SD1, (HD2), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 978) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1126, SD1, (HD1) and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987.

A communication from the Senate (Sen. Com. No. 979) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1143, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 980) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No.

1201, SD1, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 981) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1399, SD1, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 982) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1424, SD1, (HD1) and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 983) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1443, SD1, (HD2), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 984) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1500, SD1, (HD2), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 985) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1673, SD1, (HD1), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 986) informing the House that the Senate reconsidered its action taken on April 9, 1987, in disagreeing to the amendments proposed by the House to Senate Bill No. 1751, SD2, (HD2), and said Bill, thus amended, had passed Final Reading in the Senate on April 28, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 987) informing the House that the following conference drafts had passed Final Reading in the Senate on April 27, 1987, was placed on file:

HOUSE BILLS:

741, HD1, SD1, CD1  
 681, SD1, CD1  
 377, SD1, CD1  
 378, HD2, SD1, CD1  
 489, HD1, SD1, CD1  
 1073, HD1, SD1, CD1  
 652, HD2, SD2, CD1  
 750, HD1, SD2, CD1  
 1138, SD1, CD1  
 410, HD1, SD1, CD1  
 498, HD1, SD1, CD1  
 371, HD1, SD1, CD1  
 2, HD1, SD1, CD1  
 536, HD1, SD1, CD1  
 1156, SD2, CD1  
 654, HD1, SD1, CD1  
 1209, HD1, SD1, CD1  
 521, SD1, CD1  
 1529, HD1, SD1, CD1  
 1514, HD2, SD2, CD1  
 581, HD1, SD2, CD1  
 1227, HD2, SD2, CD1  
 872, HD1, SD1, CD1  
 492, HD1, SD1, CD1  
 1521, HD1, SD1, CD1

A communication from the Senate (Sen. Com. No. 988) informing the House that the following conference drafts had passed Final Reading in the Senate on April 27, 1987, was placed on file:

SENATE BILLS:

469, SD1, HD1, CD1  
 1765, SD1, HD1, CD1  
 808, SD2, HD2, CD1  
 1729 SD1, HD2, CD1  
 993, SD1, HD1, CD1  
 787, SD1, HD1, CD1  
 1395, SD1, HD1, CD1  
 341, SD1, HD1, CD1  
 447, HD1, CD1  
 1318, SD2, HD2, CD1  
 1154, SD1, HD2, CD1  
 432, SD2, HD1, CD1  
 361, SD3, HD1, CD1  
 518, SD2, HD2, CD1  
 1278, HD1, CD1  
 456, SD1, HD2, CD1  
 619, SD1, HD1, CD1  
 815, SD1, HD2, CD1  
 97, SD1, HD1, CD1  
 431, SD1, HD1, CD1  
 1446, SD1, HD1, CD1  
 559, SD1, HD1, CD1  
 350, SD1, HD2, CD1  
 1172, SD1, HD1, CD1  
 241, SD1, HD1, CD1

1288, SD1, HD1, CD1  
 545, SD1, HD1, CD1  
 24, SD1, HD1, CD1  
 420, SD1, HD1, CD1  
 1713, SD2, HD1, CD1  
 154, SD2, HD2, CD1  
 398, SD2, HD2, CD1  
 389, SD1, HD1, CD1  
 1007, SD1, HD2, CD1  
 255, HD1, CD1  
 5, SD2, HD3, CD1  
 957, SD1, HD1, CD1  
 1525, SD2, HD1, CD1  
 1142, HD1, CD1  
 785, HD1, CD1  
 1072, SD1, HD2, CD1

A communication from the Senate (Sen. Com. No. 989) informing the House that the following conference drafts had passed Final Reading in the Senate on April 28, 1987, was placed on file:

HOUSE BILLS:

1244, HD1, SD1, CD1  
 1841, HD2, SD1, CD1

A communication from the Senate (Sen. Com. No. 990) informing the House that the following conference drafts had passed Final Reading in the Senate on April 28, 1987, was placed on file:

SENATE BILLS:

242, SD1, HD1, CD1  
 348, SD1, HD1, CD1  
 1660, HD1, CD1

At this time, the following introduction was made to the members of the House:

Representative Levin introduced Ms. Susan Miller, "a person who has given her heart and soul to the environmental movement."

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of considering bills on Final and Third Reading on the basis of a modified consent calendar.

At 7:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 7:34 o'clock p.m.

#### UNFINISHED BUSINESS

H.B. No. 1528, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 1257, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 1230, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 1740, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 211, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 1617, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 1511, HD1, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

H.B. No. 891, SD1, on Final Reading:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 32 on H.B. No. 1227, HD2, SD2, CD1:

On motion by Representative Levin, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1227, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO SPACE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 1227 had passed Final Reading at 7:35 o'clock p.m.

Conf. Com. Rep. No. 60 on H.B. No. 1002, HD1, SD1, CD1:

On motion by Representative Apo, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.B. No. 1002, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO IMPERSONATING A LAW ENFORCEMENT OFFICER", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 73 on S.B. No. 1660, HD1, CD1:

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1660, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 1002 and S.B. No. 1660 had passed Final Reading at 7:36 o'clock p.m.

Conf. Com. Rep. No. 75 on H.B. No. 903, HD1, SD1, CD1:

On motion by Representative Apo, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.B. No. 903, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 78 on H.B. No. 1931, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No.

1931, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 80 on H.B. No. 1907, HD1, SD1, CD1:

On motion by Representative Apo, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.B. No. 1907, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 903; 1931; and 1907 had passed Final Reading at 7:37 o'clock p.m.

Conf. Com. Rep. No. 81 on H.B. No. 951, HD1, SD2, CD1:

On motion by Representative Apo, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.B. No. 951, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 951 had passed Final Reading at 7:38 o'clock p.m.

Conf. Com. Rep. No. 82 on H.B. No. 121, HD1, SD2, CD1:

Representative Apo moved that the report of the Committee be adopted and that H.B. No. 121, HD1, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Bellinger.

Representative Hiraki rose to speak in favor of the bill, stating:

"Mr. Speaker, the 1-day, 1-trial bill represents a bold, new step in improving Hawaii's jury system. Currently, in the First Circuit Court, jurors are required to serve a lengthy 30-day period. During this time, jurors usually sit on about three or four trials. If, on a particular day, an individual was not selected, he or she may have to return to the courthouse the following week and if not selected then, return each week for

the month's duration. Such an on-call system is disruptive to one's personal as well as work routine. It thus discourages individuals from willingly performing their civic duty.

"Under the proposed 1-day, 1-trial approach, individuals are summoned to the courthouse only once. They are selected for trial; they serve for the duration of the trial, which is generally 1 to 3 days. If they are not selected, they go home and are not part of the jury pool for at least a year. Consequently, with the 1-day, 1-trial which, I may add, is a successful operation in a number of other states, the jury system is less onerous because each person contributes a short time to our judicial system.

"I think the people of Hawaii will really appreciate our efforts. More importantly, this measure will enhance the representative quality of juries in the State.

"I urge your favorable consideration of this bill.

"Thank you, Mr. Speaker."

Representative Lee then rose to speak in favor of the bill, stating:

"Mr. Speaker, the 1-day, 1-trial concept is a product of a very innovative mind. We owe a lot to the young author of this bill because it will make our jury system more efficient but, at the same time, will meet the needs of the average citizen and make it less onerous for them to do the jury duty.

"Therefore, I urge my colleagues to vote for this bill.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 121, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO JURORS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Crozier voting no, and with Representative Bunda being excused.

Conf. Com. Rep. No. 83 on H.B. No. 1270, SD1, CD1:

On motion by Representative Apo, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.B. No. 1270, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ELEC-

TIONS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 121 and 1270 had passed Final Reading at 7:40 o'clock p.m.

Conf. Com. Rep. No. 84 on H.B. No. 922, SD1, CD1:

On motion by Representative Apo, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.B. No. 922, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 922 had passed Final Reading at 7:41 o'clock p.m.

Conf. Com. Rep. No. 85 on S.B. No. 576, SD1, HD1, CD1:

Representative Apo moved that the report of the Committee be adopted and that S.B. No. 576, SD1, HD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Bellinger.

At 7:42 o'clock p.m., Representative M. Ige asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:47 o'clock p.m.

At this time, Representative Anderson rose to speak against the bill, stating:

"Primarily, Mr. Speaker, there is a lot of confusion among us that we're not sure what a contribution is versus a gift and, as far as I know, everything that we have with the Ethics Commission, everything we have with the campaign spending--my books are open with my chairman of Treasury. If anybody want to get into my bank account, they can get into that with my permission.

"I don't know what we are trying to do to find out anything that's really hidden. But I think it always bothers any legislator to vote against something like this because it look like we're trying to hide something,

but in everything that we have, we have been so open and above board, I don't know if we need anymore restrictions and the intent is good, but I personally will be voting 'no.'

"Thank you, Mr. Speaker."

Representative Crozier then rose to speak against the bill, stating:

"Mr. Speaker, this bill is creating a mountain out of a molehill.

"Mr. Speaker, every so often people give us leis, gifts and what have you. We appreciate the gifts when it is given at the moment and that is the extent of it.

"But this bill will force us to keep a running tab of every gift, every lei, every bouquet, every corsage--anything that we get which has any type of value--we must log it down.

"You know, Mr. Speaker, I left this pineapple here on purpose. When this pineapple came to us the other day, it came by itself. It was just a pineapple. And as we were doing other things, somebody slipped a napkin under it. It started to create its own momentum. By the end of the day, it was placed in a package and I had nothing to do with it. That evening, lo and behold, I had two pineapples in front of me. I could have been charged...I would have to if this bill is passed--was in place right now--I would have to record that Dole Pineapple gave me a pineapple, a napkin and a bag.

"The point I am trying to make, Sir, is, you know, the things that are given to us with the spirit of aloha--opening day, we get all of these flowers and bouquets and what you--we appreciate it, we send a letter back to the people who gave it to us, and that's the extent of it. I am not influenced by a bouquet--I appreciate the spirit of aloha--but no more than that. But now, I have to record it. And if I miscalculate along the way and somehow by this bill, it is accounted in a--the term is 'aggregate'--everytime you get something you've got to add it, add it, and once you go over a hundred dollars, then we got to report it. I've never gotten anything over a hundred dollars--maybe some day, but not now--so you know, Mr. Speaker, what is going to happen is going to be an accounting nightmare.

"You know, Mr. Speaker, you have an accounting background, you can understand. For those of us who do

not have an accounting background, we will be terrified and if this bill does pass, I am requesting right now that nobody sends me bouquets next year. And you can instruct the Sergeant-at-Arms to return all bouquets because I do not want to get in trouble. I am a law-abiding politician. I set very high standards for myself and I will not jeopardize my political career by having to live under some form of innocuous legislation that will put me in a bad light with the people.

"There's an old saying...remember the show, Barretta? Remember that show used to have in the beginning--I forget the exact saying, but it's a streetwise saying, 'if you commit the crime, you gotta do the time.' We're making a crime out of an expression of aloha. I don't want to do time because I have aloha in my heart.

"I request all my colleagues to vote 'no' on this bill.

"Thank you."

At 7:52 o'clock p.m., Representative Medeiros asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:54 o'clock p.m., Representative Metcalf rose to speak in favor of the bill, stating:

"Mr. Speaker, the intent of this bill, quite frankly, is to make honest men out of criminals because right now the law prohibits the receipt of any gifts that can reasonably be construed to be given for the purpose of influencing a legislator. This bill simply makes honest men and women out of all of us.

"As far as the aggregate contributions, it only goes to whether an individual gives an aggregate amount of over a hundred dollars within a six months period. If that happens, you have to report the donor. But the six months period begins every six months anew.

"As far as the impact this bill will have, I don't think you need an accountant because all that's involved is an additional question on the ethics disclosure form that we fill out every six months anyway.

"Thank you."

Representative Cavasso then rose to speak in favor of the bill, stating:

"Mr. Speaker, I think that the

concept is good and just and it is important to remember that large gifts can be a form of bribery or influence on those in authority and that it is proper and right that we should not accept large gifts and, if for some reason we do, it should be out in the public for everyone to see, to know where it's coming from.

"I might ask, Mr. Speaker, since I'm voting in favor of this bill, that the representative from Hilo would like to change his vote."

Representative Anderson, rising to ask a question, stated:

"Actually, its for information. I'm not really 'in' with my colleague in the back because I think that's what confusing everybody--all of a sudden we're thieves--whether everybody is getting that idea.

"I would like to find out on line 1 in the new bill, which says, 'the legislator, employee or spouse or dependent child of a legislator or employee that have received directly or indirectly from one source or gift an aggregate in excess of one hundred dollars,' is that still within that law that we're looking at, Mr. Chairman?"

The Chair then asked Representative Metcalf whether he would like to answer the question.

Representative Metcalf answered in the affirmative and responded:

"Yes, it is. This law applies as the old law applies to all legislators and all state employees and to their spouse and dependents. That's what the existing law does; this law is no different in that respect."

Representative Anderson then asked:

"Okay, it also says here, sir, 'that monies, services, loan, travel, entertainment, hospitality'--I have a wife who has been with the airlines for thirty years. I do fly occasionally back and forth on a pass. Do I then say that this is a gift because it's something that I've been doing for thirty years and I've only been a legislator for nine?"

Representative Metcalf answered:

"The law only requires you to disclose gifts that were given with the intent to influence your political duties as a legislator. It would go to gifts that you receive at the Capitol,

gifts that you receive from lobbyists and so forth. It doesn't go for private business transactions that you do in your capacity as a private businessman or as a non-legislator, but only those gifts intended to influence your political life here at the Capitol."

Representative Anderson then stated:

"The thing that worries me, sir, because I've been in a race where we've worked hard. If someone say, in fact, that Whitney Anderson took a trip that was a gift, I have to prove that it is not. By that time, the race is over and I lose because someone sent something out, and if you can send something by direct mail, it's harder to convince someone that you're clear and above board than it is the other way and that's what worries me because many of our colleagues have had this happen."

Representative Apo, upon interrupting Representative Anderson, stated:

"Mr. Speaker, I reluctantly call a point of order. Will the disputants please address the Chair?"

The Chair stated:

"Good point."

Representative Metcalf then rose and responded:

"That's why we have House Bill No. 4, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 576, SD1, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO GIFTS DISCLOSURE STATEMENT", having been read throughout, passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Anderson, Crozier, Shito and Souki voting no, and with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 576 had passed Final Reading at 7:59 o'clock p.m.

Conf. Com. Rep. No. 86 on S.B. No. 141, HD1, CD1:

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 141, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATE

BONDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 141 had passed Final Reading at 8:00 o'clock p.m..

Conf. Com. Rep. No. 90 on H.B. No. 4, HD2, SD1, CD1:

Representative Metcalf moved that the report of the Committee be adopted and that H.B. No. 4, HD2, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Apo.

Representative Crozier then rose to speak against the bill, stating:

"Mr. Speaker, I speak against this bill because this bill purports to protect the political process from smear campaigns.

"We just went through a smear campaign a few months ago, and it was never proven who started that smear campaign. That's the problem. I'm sure none of the candidates started it; somebody out in the community started it. How do you prove who started it?

"But getting more to the problems within the bill that I see is this: that bill will create a commission made up of...and after the commission is formed, when the campaign starts, if an individual accuses a candidate of using smear tactics, all he or she has to do is get two other people to say this person slandered or libeled the candidate. Then what happens is the commission will have to investigate. But what will really happen is the person making the complaint will go to the press and say, 'I have just charged so-and-so, candidate x, of smear and of libelous statements and slander and, without the commission doing anything, that person, that candidate, is put in a negative light. And of course, Sir, that's not going to happen until the last two weeks before the election. Then the candidate cannot react even though the accusations may be false. The point is, that person is stuck in a corner, he doesn't have any way to react, the commission will start to investigate. But if they are going to do a decent job, it will take a minimum of--one week, possibly two weeks--by that time the election is over. That candidate, whoever it may be, will be damaged because we set up a mechanism like this. That's the real danger of this bill.

"I, again, keep a high standard when I campaign. I keep high standards in everything that I do. But other people don't; they're willing to drop down and use any trick they can to get the upper hand.

"You know, another reason for this bill is, they say, that we'll get away from personalities. We will force the debate back on the issues. That's to say that throughout history that's how campaigns have been run--that it was always issue-oriented. I beg to differ. Issues were sometimes involved in campaigns, but personalities have always been involved.

"You know, I would like to quote some of the different campaign slogans that took place throughout history where they got away from issues and they got into personalities. You can make up your mind if these remarks were slanderous or libelous and how we would react.

"In the campaign of 1884, the opposing party against Grover Cleveland--Grover Cleveland was a bachelor and they accused him of having an illegitimate child. But you guys have to understand that in 1884 to have a child out of wedlock was a very, very serious crime. So the campaign slogan of the time was, 'Ma, Ma, where's my Pa? Gone to the White House, ha, ha, ha.' That's what they said. They were not discussing the issues; they were not discussing why Grover Cleveland allowed the annexation of Hawaii or supported the removing of the flag here in Hawaii. That wasn't important. The debate was on his illegitimate child. He won the election, Sir. He continued.

"You know, when Calvin Coolidge was running for the presidency, a remark was made. I think the...and they're talking about Calvin Coolidge. 'I think the American people wants a solemn ass as a president, and I think I'll go along with them.' Now, is that slanderous, is that libelous? Calvin Coolidge got elected--incidentally, Calvin Coolidge said this about himself.

"You know, when Alexander Hamilton was running--and the debate between Alexander Hamilton and John Adams--John Adams called Alexander Hamilton, 'He was a bastard brat of a Scottish peddler.' Now, is that slanderous, is that libelous? We are talking of the great men of history. The issues were not before them at that time. They were into personalities.

"The best of all for me was when Timothy Pickering was talking about Thomas Jefferson. He accused him of being a 'moonshine philosopher of Monticello,' in other words, Thomas Jefferson was a drunk.

"These things have always been around. Sir, I submit that this bill is an overreaction and we should vote this one down.

"Thank you very much."

Representative Metcalf rose to speak in support of the bill, stating:

"Mr. Speaker, I'm not certain whether the previous speaker was speaking against or for the bill, but I think we can do better than the kind of campaigns we have seen in the past. That's what this bill is all about.

"Thank you."

Representative Tom then rose to speak in favor of the bill, stating:

"Mr. Speaker, I want to commend Chairman Metcalf, first of all, for being persistent in advocating for the passage of this bill. You know, this is a very difficult issue but one I think we cannot simply ignore.

"As all of you know in this room, political campaigning is extremely stressful. It really is. And I firmly believe that campaigns should be a forum of positions and issues, a way for the people to gather information and make decisions regarding their representation in government.

"Campaigns can be aggressive; no one is saying it cannot. It should be aggressive even to the point of calling your opponents names. But once a person intentionally seeks to say and do things which affect one's reputation and distorts the truth, I think we've crossed an important delicate line here, Mr. Speaker. I believe that this action is intolerable and cannot be condoned, and this is the kind of activity which gives politicians a bad name.

"This measure sets guidelines as to when overzealous campaigning, which is acceptable and good for the community, leads to overkill which is not good. This bill does not undermine the First Amendment of the United States Constitution, our guarantee to free speech. It is a difficult, balancing act between free speech and outright slander, and we must attempt to walk that fine line as politicians.

"I believe that H.B. No. 4 helps not only the candidates, but his family; it helps his loved ones; people who are affected by anytime you have slanders. And most importantly, this bill is going to help the general public by not subjecting them to smear and downright dirty campaign tactics.

"You know, I want to agree with Representative Crozier. Representative Crozier is a kind of example of a candidate, a person in office, that has the highest of standards. He certainly does. And I want to say this: that I think this bill is going to assure that people like Representative Crozier and the rest of us are protected to know that we're going to have--anytime we're in campaigns--fair campaigns on the issue.

"And finally, in due respect to Representative Crozier, I think we have a lot more of this kind of unfair, undermining, overkill campaigns in the 1980's that we've ever experienced. And I believe this bill is going to enable people who want to get in politics, to get into politics knowing that they have a fair shake. And that is what this bill is all about.

"Thank you, Mr. Speaker."

Representative Crozier then rose to speak against the bill, stating:

"Mr. Speaker, I would like to make two points, one, speaking against the bill again. First of all, to thank Representative Tom for those eloquent remarks and I appreciate them. Also, just to remind the members--if this bill passes, this tool will be used against some of us or some candidate, it doesn't matter, us or them, but beware of it, when it comes, I told you guys so.

"Thank you very much."

Representative Cavasso rose to speak against the bill, stating:

"Mr. Speaker, I believe this bill can be used as a damper on free and open discussion and communication in our community. I see this bill as a kind of thing that will give an advantage to incumbents who are in office and discourage criticisms, challenges or the seeking of the truth by those in the community. I see this bill as putting fear in some people who choose to run for public office, fear of speaking out the truth with the concern that it might be challenged by this bill.

"We have laws right now on the books that allow us recourse for libel and, such as that, this bill was unnecessary as spoken in earlier sessions.

"I urge a 'no' vote on this."

Representative Anderson rose to speak against the bill, stating:

"I would like to say, Mr. Speaker, that I believe the bill had good intents. I also put in a bill on campaign smearing, but during the hearings that I sat in on, and listening to the back and forth of finding the good and the bad, I felt that it would really hinder in many cases.

"Again, if someone actually told the truth against someone and they called it slander, you're trying to prove--you're always in that position--and rather than being a tool to help, it could be a tool to hurt. And for that reason, I am voting 'no.'

"Thank you, Mr. Speaker."

Representative Metcalf then rose to speak in favor of the bill, stating:

"Mr. Speaker, the truth is an absolute defense to any action for slander and I doubt very much that the prosecutor would move forward with such an action if there was any element of defense based on truth.

"Thank you."

Representative Anderson rose in rebuttal, stating:

"Mr. Speaker, we asked the Lieutenant Governor just that. If, in fact, I said someone was a crook, and the person is a crook and I can prove it, but he says its slander, I'm wasting my time near the end of a campaign probably trying to prove that what I've said is true because it's going to be slanderous. I'm wasting all of my time trying to defend something that I've said and he said, 'you can't be tried for something that was the truth.' Just the idea that I've said it, he's accusing me, and I'm going to have to defend it and I can lose an election and all he is going to get, maybe, if its slander--and I guess he has to prove it--is no more than two thousand dollars if a person can be proven for that.

"Thank you."

Representative Metcalf added:

"And one year in jail."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 4, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Final Reading by a vote of 43 ayes to 7 noes, with Representatives Anderson, Cavasso, Crozier, Hemmings, M. Ige, O'Kieffe and Souki voting no, and with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 4, HD2, SD1, CD1, had passed Final Reading at 8:15 o'clock p.m.

At 8:15 o'clock p.m., Representative Hirono asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:19 o'clock p.m.

Stand. Com. Rep. No. 1206 on S.B. No. 11, SD1:

On motion by Representative Hirono, seconded by Representative Hiraki and carried, the report of the Committee and S.B. No. 11, SD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, were recommitted to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 1601 on S.C.R. No. 80:

On motion by Representative Hashimoto, seconded by Representative M. Ige and carried, the report of the Committee was adopted and S.C.R. No. 80 entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A TOUR BOAT OPERATION", was adopted.

Conf. Com. Rep. No. 106 on H.B. No. 1849, HD1, SD1, CD2:

Representative Levin moved that the report of the Committee be adopted and that H.B. No. 1849, HD1, SD1, CD2, having been read throughout, pass Final Reading, seconded by Representative Andrews.

At 8:16 o'clock p.m., Representa-

tive Liu asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:24 o'clock p.m., Representative Levin withdrew his motion to adopt Conf. Com. Rep. No. 106 and to pass H.B. No. 1849, HD1, SD1, CD2, on Final Reading, and Representative Andrews withdrew his second.

Conf. Com. Rep. No. 92 on H.B. No. 581, HD1, SD2, CD1:

On motion by Representative Shon, seconded by Representative Bellinger and carried, the report of the Committee was adopted and H.B. No. 581, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF NARCOTICS ENFORCEMENT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 93 on H.B. No. 287, HD1, SD1, CD1:

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 287, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 94 on H.B. No. 328, HD1, SD1, CD1:

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 328, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 581; 287 and 328 had passed Final Reading at 8:25 o'clock p.m.

Conf. Com. Rep. No. 95 on H.B. No. 418, HD1, SD1, CD1:

On motion by Representative Souki, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 418,

HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 96 on H.B. No. 1861, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1861, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 418 and 1861 had passed Final Reading at 8:26 o'clock p.m.

At 8:26 o'clock p.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:28 o'clock p.m.

Conf. Com. Rep. No. 97 on H.B. No. 1530, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1530, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 1530 had passed Final Reading at 8:28 o'clock p.m.

Conf. Com. Rep. No. 98 on H.B. No. 520, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 520, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 99 on S.B. No. 548, SD2, HD1, CD1:

On motion by Representative Levin, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 548, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ESCHEAT OF KULEANA LANDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 100 on S.B. No. 398, SD2, HD2, CD1:

On motion by Representative Honda, seconded by Representative Levin and carried, the report of the Committee was adopted and S.B. No. 398, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 520 and 548 and S.B. No. 1164 had passed Final Reading at 8:29 o'clock p.m.

Conf. Com. Rep. No. 101 on S.B. No. 1164, SD1, HD1, CD1:

On motion by Representative Andrews, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1164, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

At 8:30 o'clock p.m., Representative Liu asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:31 o'clock p.m., the Chair directed the Clerk to note that S.B. No. 1164 had passed Final Reading at 8:31 o'clock p.m.

Conf. Com. Rep. No. 102 on S.B. No. 1747, SD2, HD2, CD1:

Representative Andrews moved that the report of the Committee be adopted and that S.B. No. 1747, SD2, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Takamine.

Representative Hemmings rose to speak against the bill, stating:

"Mr. Speaker, I've often said that in the social welfare programs the government should not do for men and women what they could and should do for themselves, and I think the same applies to business.

"All too often this Session, with numerous other pieces of legislation, we have created two agencies or departments to do what one used to do and the argument could be put forth, 'well, all we're doing is transferring functions here,' but that's not true. We're starting another agency or department in the office of the Governor and this year alone, for the next biennium, we are going to appropriate a \$115,000.00 to do planning.

"Planning is good but why couldn't it have been done in the other agencies effectively? What we are really doing is creating another exempt position in the governor's office--the Governor can allot the salaries as he sees fit, we're spending \$115,000.00--and I will guarantee you that this is bureaucracy building and next year you are going to see budget requests to expand this activity for government.

"I do believe that the business sector, in order to grow, needs deregulation and less taxes; then you'll see the business community flourish. It won't flourish with government spending; it will flourish with government getting off their back and cutting taxes that impede their coming to Hawaii.

"I urge you to vote against this bill. It's empire building; its expanding the size and cost of government and another step in the wrong direction.

"Thank you, Mr. Speaker."

Representative Lee then rose to speak in favor of the bill, stating:

"Mr. Speaker, I would not like to leave the impression created by the representative from Kahala that this is a bill for bureaucracy. The intent of the bill is clear: it is to create a business department--a department of commerce--a department that would promote, protect and foster business development.

"The mere fact that a planning office is detached enhances that capability and it is a part of a new beginning in the administration, and we should not lose sight of that and be obfuscated by the argumentum ad

absurdum from the gentleman from Kahala.

"Thank you, Mr. Speaker."

Representative Hemmings rose in rebuttal, stating:

"Mr. Speaker, the only thing business needs protection from, is government.

"Thank you, Mr. Speaker."

Representative Liu rose to speak against the bill, stating:

"Mr. Speaker, in support of the comments made by my colleague, Representative Hemmings, I would like to indicate that although the bill, ostensibly, attempts to create something for business, it's coming at a cost and at a price which, I find, is too high.

"I hope the members representing the business interests in this State take note: Comments of my colleague are true. This is not merely moving one group of individuals involved in planning to another area to beat the bureaucracy and create greater lines of communication and understanding. There is a creation here of new lines of bureaucracy. There is empire building here.

"The head of this new office is not tied to any salary structure within legislation. He or she will be exempt, not only from civil service, but from any salary limits or floors. It's up to the Governor to set that limit or floor.

"This bill, ostensibly, as I indicated earlier, attempts to give something which is not really there.

"I hope we all vote 'no' on this bill, Mr. Speaker.

"Thank you."

Representative Souki then rose to speak in favor of the bill, stating:

"Mr. Speaker, I was surprised that the members who purportedly represent business would speak against a bill like this. The purpose of this bill is to move the planning to the governor's office so that the DPED can concentrate on improving the business climate and, I think, this is what the business people have been asking for all these years--to let DPED concentrate in improving business.

"Therefore, this Legislature and the Governor, through his initiative, has included a lot of money for that particular purpose--15 million dollars for tourism, 5 million dollars for business expansion program--to do especially this thing.

"Members of the House, I hope you all will vote for this bill.

"Thank you very much."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1747, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Hemmings and Liu voting no, and with Representative Bunda being excused.

Conf. Com. Rep. No. 103 on H.B. No. 285, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 285, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 1747 and H.B. No. 285 had passed Final Reading at 8:36 o'clock p.m.

Conf. Com. Rep. No. 104 on H.B. No. 1525, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1525, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINTS OF TRADE: MONOPO-LIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 105 on H.B. No. 1585, HD1, SD1, CD1:

On motion by Representative Hiro-no, seconded by Representative Hiraki and carried, the report of the Committee was adopted and H.B. No. 1585, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES",

having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 1525 and 1585 had passed Final Reading at 8:37 o'clock p.m.

Conf. Com. Rep. No. 106 on H.B. No. 1849, HD1, SD1, CD2:

On motion by Representative Levin, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.B. No. 1849, HD1, S D1, CD2, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 1849 had passed Final Reading at 8:38 o'clock p.m.

Conf. Com. Rep. No. 107 on S.B. No. 634, SD1, HD1, CD1:

Representative Takamine moved that the report of the Committee be adopted and that S.B. No. 634, SD1, HD1, CD1, pass Final Reading, seconded by Representative Souki.

Representative Kawakami rose to speak in support of the bill, stating:

"Mr. Speaker, the special services personnel have long sought a solution to the problems which are being addressed in this bill. These personnel will finally be placed on an equitable work schedule with their ten-month counterparts in the Department of Education and remedy the problem that has existed for at least ten years.

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

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 634, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 634 had passed Final Reading at 8:38 o'clock p.m.

Conf. Com. Rep. No. 108 on S.B. No. 320, SD2, HD1, CD1:

Representative Souki moved that the report of the Committee be adopted and that S.B. No. 320, SD2, HD1, CD1, pass Final Reading, seconded by Representative Kawakami.

Representative Liu rose to speak in favor of the bill, stating:

"Very briefly, Mr. Speaker, this bill, I would like to say, is a product of cooperation and although I have had hesitations about the extension, I think this bill, perhaps, may make some of this extended time worthwhile. I would like to point out that there are many concepts in here that the Minority have been stressing for many years and, although they are not, perhaps, in their most pristine form, they are in most acceptable form for this session.

"So, I hope we all vote 'aye' on this bill, and I thank the chairman of the Finance Committee for working on this measure.

"Thank you, Mr. Speaker."

Representative Souki rose and added:

"Yes, Mr. Speaker, this bill is not a Democratic bill, it is a House bill and it belongs to all of us.

"Thank you very much."

Representative Anderson then rose to speak against the bill, stating:

"Mr. Speaker, I still believe that tax credit is not the way to go. I believe that we need immediate relief on food. I would rather see each individual family have immediate money in their pockets by eliminating the 4%. The tax credit is at least a foot in the door, but I've always felt that way.

"Some of the bill is fine and I think that's what we did--we put a whole bunch of things together--but I'll have to go 'no' on that section because I believe to help the person that's on a fixed income, they need immediate relief.

"If, in fact, we wanted to make sure that everybody, regardless if they had a hundred thousand dollar income or a twenty-five thousand income, I think this is the way we should go with credit. But if you want to help the person that's on the bottom of the ladder, we either go

ahead and do it on an immediate basis with the 4% off of food and let it go at that.

"So, for that reason alone, Mr. Speaker, I have to go 'no.'"

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 320, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 320 had passed Final Reading at 8:41 o'clock p.m.

Conf. Com. Rep. No. 109 on S.B. No. 1735, SD2, HD2, CD1:

Representative Metcalf moved that the report of the Committee be adopted and that S.B. No. 1735, SD2, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Liu rose to speak in favor of the bill, but with reservations, stating:

"Mr. Speaker, this bill deals with claims against the state--various lawsuits of various kinds. But I would like to point out that a large percentage, if not over 50%, of the millions of dollars included herein are based on suits that started out because of what we call the 'depockets theory in tort.'

"We haven't done enough and I think we have to go further in this area. Although many or most of these cases started before the legislation we passed over this summer, I, unfortunately, do not believe that unless we do more to the law, I do not believe we will see any lessening of the amounts next year and the year after that compared to this bill.

"Just one example, Mr. Speaker: The case, Carvalho vs. Barnett. Here we had a case where an inmate working along the Pali Highway, helping to clean up the area with a crew under the supervision of a state guard, was hit by a drunken driver. Because the drunken driver lacked the type of financial capacity to reasonably compensate the inmate who was injured, the State was then sued, or brought into the suit, on the claim that the guard did not exercise good

judgment in guiding the inmates along their clean up efforts.

"The validity of the claim, the questions concerning their...I think, if one reads the case--the arbitration there--one can only wonder whether or not that is the type of claim, that is the type of suit that we, and the rest of the taxpayers of the State, should be responsible for when, in fact, the initial responsible party was not the State.

"I think also, Mr. Speaker, we need better and more information from the attorney general in reviewing these cases. Initially, we get a letter from the attorney general indicating that if we want more information, we can write his office and get it. So you have to go through that extra step. I wrote and in about 4 or 5 weeks when we have passed Third Reading, I get some documents, but they're not the whole document. I just received the follow-up documentation, I think, on Monday or Friday just this past week.

"I think we need improvement here and I hope we can get that in the years to come.

"Thank you, Mr. Speaker."

Representative Anderson then rose and requested that the remarks of Representative Liu be incorporated into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1735, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

Conf. Com. Rep. No. 110 on S.B. No. 1000, HD2, CD1:

On motion by Representative Takamine, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 1000, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. Nos. 1735 and 1000 had passed Final Reading at 8:45 o'clock p.m.

Conf. Com. Rep. No. 111 on S.B. No. 769, SD1, HD1, CD1:

On motion by Representative Hayes, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 769, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and with Representative Bunda being excused.

Conf. Com. Rep. No. 112 on S.B. No. 486, SD1, HD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

At 8:46 o'clock p.m., Representative Liu asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:54 o'clock p.m.

Conf. Com. Rep. No. 113 on S.B. No. 847, SD1, HD1, CD1:

On motion by Representative Metcalf, seconded by Representative Arakaki and carried, the report of the Committee was adopted and S.B. No. 847, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SENTENCES FOR CRIMES COMMITTED WITH A FIREARM", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 847 had passed Final Reading at 8:54 o'clock p.m.

Conf. Com. Rep. No. 114 on S.B. No. 1367, SD1, HD2, CD1:

Representative Takamine moved that the report of the Committee be adopted and that S.B. No. 1367, SD1, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Souki.

At 8:54 o'clock p.m., Representative Medeiros asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:57 o'clock p.m.

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1367, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 1367 had passed Final Reading at 8:58 o'clock p.m.

At 8:58 o'clock p.m., Representative Apo asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:59 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Shito, for the Committee on Housing and Community Development, presented a report (Stand. Com. Rep. No. 1625) recommending that S.C.R. No. 88 be adopted.

On motion by Representative Shito, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.C.R. No. 88 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE "OHANA ZONING LAW", was adopted.

Representatives Metcalf and Hirono, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1626) recommending that S.C.R. No. 165 be adopted.

On motion by Representative Metcalf, seconded by Representative Hirono and carried, the joint report of the Committees was adopted and S.C.R. No. 165 entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE ESTABLISHMENT OF A CENTER FOR INTERNATIONAL COMMERCIAL DISPUTE RESOLUTION", was adopted.

Representative Metcalf, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 1627) recommending that S.C.R. No. 2 be adopted.

On motion by Representative Metcalf, seconded by Representative Arakaki and carried, the report of the Committee was adopted and S.C.R. No. 2 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE POSSIBLE FORMATION OF A SECOND PUBLIC DEFENDER PROGRAM", was adopted.

Representative Shito, for the Committee on Housing and Community Development, presented a report (Stand. Com. Rep. No. 1628) recommending that S.C.R. No. 135 as amended in HD1, be adopted.

Representative Anderson rose to speak against the resolution, stating:

"Mr. Speaker, being a Windward resident since 1946, being that I've had my businesses in Kaneohe for a number of years--I'm also a member of the Kaneohe Businessmen Association. I am reading the concerns of the committee whereby they say a lot of problems have involved...whereby they would like to have an authority similar to that of the Hawaii Community Development Authority. To the best of my knowledge, there is no business community that have asked for this authority. If it were such, I think they would have brought it up at different meetings and, since I know of none, I don't think that the resolution really is needed and, therefore, I will be voting against it.

"Thank you, Mr. Speaker."

Representative Hemmings rose and stated:

"Being born in 1946, I would like to vote 'no' and have the Clerk record it.

"Thank you, Mr. Speaker."

Representative Liu then rose and stated:

"Mr. Speaker, I am in support of my colleague to my right, (Representative Anderson) and I shall also be voting 'no.'

"Thank you."

On motion by Representative Shito, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.C.R. No. 135, HD1, entitled: "SENATE CON-

CURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO DO A STUDY ON THE FEASIBILITY OF ESTABLISHING A KANEOHE BAY AUTHORITY", was adopted with Representatives Anderson, Hemmings and Liu registering a "no" vote.

At 9:01 o'clock p.m., the Chair declared the House in recess until 10:00 o'clock p.m.

The House of Representatives reconvened at 10:04 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of reconsidering action previously taken on a certain House resolution.

#### RECONSIDERATION OF ACTION TAKEN

Representative Shon moved that the House reconsider its action previously taken on adopting Stand. Com. Rep. No. 1319 on H.R. No. 198, HD1, seconded by Representative Leong and carried.

Representative Shon then moved that the report of the Committee be adopted and, notwithstanding the recommendation of the Committee that H.R. No. 198, HD1, be referred to the Committee on Consumer Protection and Commerce, that H.R. No. 198, HD1, be adopted, seconded by Leong and carried.

Representative Liu then rose to speak against the resolution, stating:

"Mr. Speaker, I would support this resolution if it, in fact, would limit itself to looking into the area of catastrophic needs in the areas of health. But this resolution, in fact, goes further and indicates in the 'BE IT RESOLVED' clause that it urges that the United States Congress to resolve the issue of escalating health care costs by establishing a comprehensive national health insurance program which would make proper health care available to, and affordable, for all American citizens especially the critical area of A.I.D.S. care, indigent care and long-term care for the elderly.

"If, in fact, the resolution narrowed itself to those three areas of health care, I would support this resolution gladly. However, it goes

much further than that and advocates the system of total national health care for other health care needs, generally, as such.

"I cannot support this resolution, and I hope all the others vote 'nay.'

"Thank you, Mr. Speaker."

Representative Cavasso then rose and requested that the remarks of Representative Liu be incorporated into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

At 11:07 o'clock p.m., Representative Peters asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:19 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and, notwithstanding the recommendation of the Committee, H.R. No. 198, HD1, entitled: "HOUSE RESOLUTION URGING THE ESTABLISHMENT OF A COMPREHENSIVE NATIONAL HEALTH INSURANCE PROGRAM", was adopted with Representatives Anderson, Cavasso, Hemmings, Liu and Ribellia registering "no" votes.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 115 on H.B. No. 49, HD1, SD2, CD1:

Representative Souki moved that the report of the Committee be adopted and that H.B. No. 49, HD1, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Metcalf rose to speak in favor of the bill, with serious reservations, stating:

"At the outset, I would like to thank you, Mr. Speaker, the Finance chairman and the Finance staff, and particularly, Mr. Merwyn Jones, and my staff attorney, Mr. Matthew Chung, for their efforts in regards to producing a budget, that while subjected to close scrutiny by both Houses, using albeit differing approaches, emerged as a fair and equitable budget.

"There is, however, a proviso in

the budget that I find extremely troublesome. The proviso, in effect, places the Legislature in the role of managing the Judiciary, a role wholly inappropriate and violative of the doctrine of separation of powers.

"The basic structure of the Hawaii court system has been praised nationally as a model of unified and independent courts. The fundamental constitutional principle of separation of powers, as set out in the Hawaii Constitution, provides for a strong and unified state court administration under a Chief Justice and an administrative director of the courts and for the direct submission of the judiciary budget to the Legislature by the Chief Justice.

"All of these provisions are part of the concept of judicial independence. Judicial independence is threatened and a conflict between the legislative and judicial branches could ensue with resulting harm to both branches of government and, more importantly, to the people of Hawaii if the Legislature's proper scrutiny of the overall judiciary budget and the primary components of that budget improperly becomes so extensive and detailed as to amount to legislative usurpation of the management powers and responsibilities conferred by the Constitution on the Chief Justice and the administrative director of the courts.

"Judicial independence requires that the executive and the legislative branches of government to recognize the judiciary as co-equal, honor its decisions and provide it with adequate, financial support, but defer to its judgment on internal operations and matters peculiarly within its knowledge. In the plain language of the Hawaii Constitution and as supported by the written history of the various Hawaii constitutional conventions, there can be no doubt that the intent of the Hawaii Constitution is to place the judiciary's management, responsibilities and powers in the office of the Chief Justice, not in the executive or legislative branches.

"I will vote for this budget because by doing so a special session, with its attendant costs to the taxpayer, can be avoided, and with a reasonable sense of certainty that this proviso, if challenged, will be struck down as patently unconstitutional.

"Thank you."

Representative Bellinger then rose and requested that the remarks of Representative Metcalf be inserted

into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Hayes rose and also requested that the remarks of Representative Metcalf be inserted into the Journal as though they were her own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Medeiros rose and requested that the remarks of Representative Metcalf be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Ribellia rose and also requested that the remarks of Representative Metcalf be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered."

Representative Anderson rose to speak against the bill, stating:

"Mr. Speaker, I would like to register a 'no' vote on this bill. I also believe because of the constitutionality of the bill...but moreover, Mr. Speaker, I really don't believe that we should go into a special session the way we have been, or an extension of our session.

"I did not sign the original drafting of the intent to have the Governor bring us here in an extension because I didn't believe in it. I've always fought for the House's position on anything that came in, and on this judiciary budget, I felt that it was wrong that we go ahead and pit one chairman against the other.

"For that reason, Mr. Speaker, many, many other bills and many other concerns from other chairmen has been put forth, and I think that the House, just to go ahead and get rid of business, has given in, in many instances, that we would have held fast. It was our fault. However, I think that if we were given time and the Governor of this State brought us back into a special session, maybe then we would have been able to have more of the House's position, which I thought was more responsible.

"And for that reason and that reason alone, I will be going 'no' on this particular issue."

Representative Hirono then rose to speak in favor of the bill, stating:

"Mr. Speaker, it's nice to follow Representative Anderson--it was beginning to sound as though this was kind of a popularity thing for the Judiciary chairman.

"However, I do share the Judiciary's chairman's concerns regarding the extreme limitations that we are placing upon the Judiciary in terms of the flexibility that they will have in dealing with their programs and budget.

"I would like to acknowledge the sense of responsibility on the part of the House conferees on this measure which resulted in a judiciary budget for us to deal with in this session rather than necessitating a special session on this.

"I would also like to have the Judiciary chairman's comments on this measure incorporated as my own in the Journal," and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Hiraki rose and requested that the remarks of Representative Metcalf be incorporated into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Hemmings rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, if I felt that the constitutional question was the only issue at hand, I would certainly be most honored to add my name to the list of people who have asked that the Clerk submit Representative Metcalf's remarks as my own.

"It is unfortunate the Judiciary budget was held hostage by the Senate and was one of the reasons we did not finish our work on time. It is indeed regrettable that throughout this session, conscientious public employees such as Janice Wolfe and Fritz Klattenhoff and even the Chief Justice of the State of Hawaii, were abused while cover was being provided for the perpetrator of judicial corruption.

"As astutely pointed out by the chairman of the Judiciary Committee of the House of Representatives, it's questionable whether or not certain provisions of this document are even constitutional. I ask, what is the

real intent of those provisions?

"It is perplexing that the individual responsible and identified with all of these problems is still on the public payroll. It's no secret. We all know about the power struggle going on between the old guard cronies and the new administrator of Judiciary. It is indeed gratifying, Mr. Speaker, that House leadership has indeed taken the high road in this issue.

"Let's all work to re-establish the integrity of the Hawaii State judicial branch of government. It deserves better.

"Thank you, Mr. Speaker."

Representative Marumoto then rose and requested that the remarks of Representative Metcalf and Representative Hemmings be incorporated into the Journal as though they were her own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Marumoto also stated:

"I would like to add that I believe that the basis of the proviso was not due to the true concern for the Judiciary branch, but for personal motives of the chairman of the Judiciary of the Senate.

"I reluctantly vote 'yes' on this budget because we need one, but I have very strong reservations.

"Thank you very much."

Representative Andrews rose and requested "that the Journal reflect that I agree with the words spoken by the Judiciary chairman."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 49, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 49 had passed Final Reading at 11:29 o'clock p.m.

Conf. Com. Rep. No. 116 on S.B. No. 1068, HD1, CD1:

By unanimous consent, action was

deferred until the end of the calendar.

Conf. Com. Rep. No. 117 on S.B. No. 1500, SD1, HD2, CD1:

Representative Okamura moved that the report of the Committee be adopted and that S.B. No. 1500, SD1, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Alcon.

Representative Liu rose to speak against the bill, stating:

"I think, Mr. Speaker, if it were not for language saying that this program is earmarked to--I think the language actually uses the term, 'local residence hired by businesses,' I would vote for the measure. But, because of that term, this makes this measure unconstitutional and for that reason, I am voting against this.

"Thank you."

Representative Ribellia rose and requested that the remarks of Representative Liu be incorporated into the Journal as though they were his own, and the Chair noting that there were no objections, "so ordered." (By reference only)

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1500, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A NEW INDUSTRY TRAINING PROGRAM", having been read throughout, passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Anderson, Hemmings, Jones, Liu and Ribellia voting no, and with Representative Bunda being excused.

Conf. Com. Rep. No. 118 on H.B. No. 310, SD2, CD1:

On motion by Representative Shito, seconded by Representative Okamura and carried, the report of the Committee was adopted and H.B. No. 310, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. Nos. 1500 and 310 had passed Final Reading at 11:31 o'clock p.m.

## STANDING COMMITTEE REPORT

Representative Levin, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1629) recommending that S.C.R. No. 45, SD1, be adopted.

Representative Anderson then rose to speak in favor the resolution, stating:

"Mr. Speaker, I'm happy that the resolution says that we should improve the educational status of native Hawaiians. However, Mr. Speaker, I don't think that was reflected in an earlier vote that I was going to vote against 'with reservations.'

"It seems that the Senate deleted some \$300,000.00 in the OHA budget for scholarships for native Hawaiians, and yet we're asking Congress to go ahead and look into doing an improvement on education for native Hawaiians. It's always bothered me that we say, 'let's help,' and when it comes down to dollars and cents, we hold back and it's better for Congress to take care of us rather than our State.

"I would hope that everybody would be in favor of this resolution, and being the 'year of the Hawaiian,' I would say that it is a very appropriate time to pass this.

"Thank you."

On motion by Representative Levin, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 45, SD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE SENATE TO SUPPORT UNITED STATES SENATE BILL 360, A BILL TO IMPROVE THE EDUCATIONAL STATUS OF NATIVE HAWAIIANS", was adopted.

At 11:34 Representative Souki asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

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

Conf. Com. Rep. No. 119 on H.B. No. 35, HD1, SD2, CD1:

Representative Levin moved that the report of the Committee be adopted and that H.B. No. 35, HD1, SD2,

CD1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Isbell rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I realize that a lot of work has gone into this, but I feel that the House, again, gave up a lot more than they should have. Although it talks about all the things that are good about the water code and the things that need to be done, on page 11, at the very beginning, it says, 'that nothing in this chapter to the contrary shall restrict the power of any county to plan a zone as provided under chapter 46.'

"I just want to bring this to the attention of my colleagues and let them know that, I think, this water code has a lot of work that needs to be done and I don't see a lot of opportunities to change it, but I think that in the next five years we are going to find that we made a lot of mistakes on it.

"So, I do speak in favor of it, but I have many reservations.

"Thank you, Mr. Speaker."

Representative Anderson then rose to speak against the bill, stating:

"Mr. Speaker, I would like to have Representative...I am going to speak against the bill. However, I am not 'with reservations' but with the same reservations that Representative Isbell had, I like to have inserted into the Journal as my own, and I've talked to many other people and many other colleagues and their concerns were the same. I think we gave up a little more than we intended, and for that reason, I will be voting 'no.'

"Thank you, Mr. Speaker."

Representative Levin rose to speak in favor of the bill, stating:

"Mr. Speaker, I'm not sure whether people are somewhat pleased with the bill before us as they are relieved to have a water code--any water code.

"I think that what we have in front of us is a good bill and that we can be very proud of it; it is unfinished--to be revised and refined and improved.

"It has taken nine years and there are a number of people that I would publicly like to thank for bringing it

this far. If you would permit me, I would like to start by acknowledging the efforts of the round table and its members who were brought together by Peter Adler, who worked out so many issues prior to our legislative session and made our job that much easier.

"I also want to acknowledge the prior chairman, Representative Calvin Say, who worked so hard on the code over the past year. He's been very supportive over the course of the session--the code was not created over the last 60 days, but over many years and no one should overlook the contributions that he has made.

"I want to thank, too, the people who brought us through a most difficult conference, a conference which seemed to be hopelessly deadlocked more than once. Bill Paty and Susumu Ono worked tirelessly to find the compromises that were necessary to keep the measure alive--so, too, our Majority Leader, Representative Okamura, and so, too, did 'mom,' also known as Letitia Uehara.

"I especially appreciate the support of Representative Sam Lee who was so supportive as one of our conferees and of extraordinary and invaluable help was my vice-chairman, Representative D. Ige. No one could possibly have done more.

"I would be derelict if I left out the staff support we received, especially my own staff and also the staff of the Majority Research office. They did more typing and drafting and redrafting under the most extraordinary time constraints than anyone could reasonably have asked them to do, and they always did it with grace and good humor. Pat, I thank you and all the people who are working for you.

"Last, but certainly not least, the two individuals who stand out for special recognition: One, tragically, is not here and the code has been dedicated to Richard Kawakami for good reason. I hope that it will prove to be a measure worthy of his memory.

"The other individual joined us only a few short weeks ago. If she had not been here, we would not have a conference draft before us to vote on. She was not a conferee, but she was certainly a confidante and she devoted the time and she exercised the influence that made the difference. The respect she earned and was accorded by the conferees of both Houses made her the key that

opened the door when deadlocked and when things were bleakest. There are really two Representatives Kawakami for whom the code should be dedicated, and Bertha, I thank you.

"Thank you, Mr. Speaker."

Representative Kawakami then rose to speak in favor the bill, stating:

"Mr. Speaker, this bill may do more for the future of Hawaii's people than any other measure which we may pass this year.

"Fresh water in one of our most precious, natural resources and it is the one resource absolutely necessary to life. Our quality of life, our efficient use of our lawns, our economic development all tie into the availability of sustainable quantities of high quality water supplies in our island State.

"Even in the late '60's and early '70's when we all enjoyed what seemed an almost limitless supply of water, there were people who already recognized the need to plan for the judicious use of our water. And the people of Hawaii called for just a plan in the 1978 Constitutional Convention.

"The fact that it has taken almost 10 years to develop a plan that meets the needs of our people is an indication of how fundamental water is to our state's existence. This bill is the culmination of these long years of work.

"I would like to extend my appreciation to the many people who have labored on this very important legislation and especially to Chairman Levin, to the House conferees, to Mr. Ono and Mr. Paty, whose untiring devotion to this measure finally resulted in this bill before us this evening. I say mahalo. Their efforts have given us an opportunity to take a great step towards securing the future of our children and our children's children.

"Thank you, Mr. Speaker."

At 11:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:56 o'clock p.m.

#### GOVERNOR'S MESSAGE

A message from the Governor (Gov.

Msg. No. 124) was read by the Clerk and was placed on file:

#### "STATE OF HAWAII EXECUTIVE CHAMBERS

April 29, 1987

The Honorable Daniel J. Kihano  
Speaker of the House of  
Representatives  
The Fourteenth State Legislature  
State Capitol  
Honolulu, Hawaii, 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the 1987 Regular Session of the Fourteenth Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

#### "EXECUTIVE ORDER

WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may "be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor";

WHEREAS, pursuant thereto, the presiding officers of both houses extended the 1987 regular session of the Fourteenth Legislature of the State of Hawaii for a period of two days to 12:00 midnight, April 29, 1987; and

WHEREAS, the governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby further extend the 1987 regular session of the Fourteenth Legislature of the State of Hawaii for a period of one hour following 12:00 midnight, April 29, 1987.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 29th day of April, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

APPROVED AS TO FORM:  
/s/ Warren Price, III

WARREN PRICE, III  
Attorney General"

At 11:57 o'clock p.m., the Chair  
declared a recess, subject to the call  
of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the  
House of Representatives adjourned  
until 12:01 o'clock a.m., tomorrow,  
Thursday, April 29, 1987.

## SIXTY-THIRD DAY

Thursday, April 30, 1987

The House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 12:04 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Eloise Yamashita Tungpalan, a member of the State House of Representatives, after which the Roll was called showing all members present with the exception of Representative Bunda, who was excused.

By unanimous consent, reading of the Journal of the House of Representatives of the Sixty-Second Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 991 to 1001) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 991) transmitting Senate Concurrent Resolution No. 132, requesting the United States to establish a joint Federal-State Task Force on federally-controlled lands in the State of Hawaii, which was adopted by the Senate on April 29, 1987, was placed on file.

By unanimous consent, further action on S.C.R. No. 132 was deferred.

A communication from the Senate (Sen. Com. No. 992) returning House Concurrent Resolution No. 23, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 993) returning House Concurrent Resolution No. 99, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 994) returning House Concurrent Resolution No. 100, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 995) returning House Concurrent Resolution No. 116, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate

(Sen. Com. No. 996) returning House Concurrent Resolution No. 152, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 997) returning House Concurrent Resolution No. 155, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 998) returning House Concurrent Resolution No. 204, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 999) returning House Concurrent Resolution No. 258, HD 1, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 1000) returning House Concurrent Resolution No. 259, which was adopted by the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 1001) informing the House that the following Senate Bills passed Final Reading in the Senate on April 27, 1987: 35, SD 1, HD 2; 316, HD 1; 317, SD 1, HD 2; 471, SD 1, HD 2; 526, SD 1, HD 1; 776, SD 1, HD 1; 882, SD 1, HD 1; 1158, SD 1, HD 2; 1274, SD 1, HD 2; 1289, SD 1, HD 1; and 1472, SD 1, HD 1, was placed on file.

## ORDER OF THE DAY

## SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar.

## UNFINISHED BUSINESS

Conf. Com. Rep. No. 119 on H.B. No. 35, HD 1, SD 2, CD 1:

Representative Levin moved that the report of the Committee be adopted and that H.B. No. 35, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Levin, at this time, rose on a point of information.

Directed by the Chair to state his point, Representative Levin asked:

"If I read my same speech again, will everyone vote against the bill out of revenge?"

The Chair answered:

"I would advise you to insert it in the Journal."

Representative Levin then thanked the Chair.

Representative Shon then rose to speak in favor of the bill, stating:

"Mr. Speaker, I rise to speak in praise of this bill and in praise of Chairman Levin and the dedication and patience and persistence in negotiating what must have been the most picked over, amended, counter-amended, rewritten bill and committee report of this session.

"As a casual observer, I stood in admiration of Chairman Levin, his conferees, and many of those who joined us in the audience this evening in hanging tough on behalf of this most precious resource--our water.

"I don't believe that the average citizen will really recognize the terms of art in this bill, such as trigger mechanisms, or instream flow standards, certificates of use, voluntary permits, timely determination of appurtenant rights, and many other issues which so many people have lived with for nine years. But I think if history is just, it will record that the Fourteenth Legislature took one of the boldest steps in protecting and managing its natural resources as we have seen in a long, long time.

"I think it is a time to celebrate--well worth a two day and one hour extension of our session--a bill which makes this truly a landmark legislative session.

"I urge all of you to support this.

"Thank you."

Representative Lee rose to speak in favor of the bill, stating:

"Mr. Speaker, I would like, first of all, that the remarks made last night by the Chairman of the Committee and by the Representative from the 51st District be inserted into the Journal as my own. (By reference only)

"I would like to add my appreciation for having been chosen a member of

the Conference Committee. I appreciate this because I have been intimately involved in the water problem in Mililani--a problem of water quality, foremost, but also a problem of water quantity.

"The Mililani Neighborhood Board had authorized me to intervene in the Land Use Commission regarding a number of developments and one of our principal concerns was not only the water quality but water quantity. We were instrumental in having questions asked about the sustainable yield of Pearl Harbor Aquafill. The Department of Land and Natural Resources has initiated a review and re-evaluation of the sustainable yield. That is one of the subjects of the water code.

"Briefly, I think we will realize the significance of this water code only in the next few years as the Department of Land and Natural Resources' staff becomes the staff of the new water commission and divulge standards and plans for water plans and the dispute mechanism.

"One of the items that we need to note is the inclusion of the Director of Health and the Department of Health in the management of the water resources of the State. This is a very innovative approach; it's one which we can all be proud, and I would like to say that I'm proud to be a part of the process.

"Thank you, Mr. Speaker."

Representative Crozier then rose to speak in favor of the bill, stating:

"Mr. Speaker, in speaking in favor, I would like to do it by just making a few comments on the history of water.

"You know, throughout. . .from the beginning of time, man has been fighting over water, not only here in Hawaii or in the western United States, but throughout the world. Civilizations have risen and fallen because of the water issue.

"At this time, I would like to praise two gentlemen, and the first one I would like to praise is the President of the Constitutional Convention of 1978. While we were in the Con-Con, this water issue was before us and the Constitutional Convention almost came to a halt because of this issue, and President Paty was able to bring the different parties together and get an article within the constitution for us to work on now. So, I would like to thank him very much for that and

also, I have been told that he was a catalyst this time around. If it weren't for Bill, maybe the bill would not have survived. Thank you very much, President Paty.

"The other person that I would like to congratulate is--before I say that--you, know, I've been telling you guys all along I quote Mark Twain quite a bit when it comes to water issues and his quote goes, 'whiskey's for drinking and water's for fighting,' and that's what we've been doing. We've been fighting on and on and on and on, and not to take away from anybody else who has contributed to this mechanism or trying to resolve the matter that it takes a very gentle man, a pacifist, to put down the rough and tumble ways of trying to resolve an issue and show the same strength that Mahatma Gandhi had, and I would like to thank our Chairman Levin, our pacifist, in bringing the parties together and solving the matter.

"Thank you very much."

Representative Anderson rose and requested that his former words which he had stated earlier be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Anderson, in rebuttal, then stated:

"Mr. Speaker, I agree with everybody that's here that water is our most precious commodity. But what bothers me, and I will reiterate again, that there would have been no water code had not the Judiciary budget been held up. They weren't even close--convention center was not close, OHA budget was not close--nothing was close. But we forced the chairmen to come together and that's wrong.

"The House's position, in many instances, have been lost and we forget that. We praise one another and we praise what has happened when, in fact, we should be very, very sorry that we didn't have enough time to go out, work together, be called back in and work out the differences, and be a little stronger than we were. And that's what bothers me about this.

"Also, Mr. Speaker, we have other measures that's not even priority. We still have native rights to sue and we can't seem to come together. The convention center is still not on this

floor. Those are measures we are looking at. What happened to them? Because they're not a priority at that particular time, we're gonna let them die? Had we not been called back, we wouldn't have been rushing around with papers, sign this, sign that, when half of us didn't even know what we were signing.

"I stand every year, regardless whether I'm here or what we call 'lolo row' in the back which I enjoyed, and I talked. . ."

Interrupting Representative Anderson, Representative Apo rose on a point of order.

Directed by the Chair to state his point, Representative Apo stated:

"Mr. Speaker, the previous speaker is not speaking to the issue and I understand and appreciate his need to ventilate, but I would appreciate him staying within the rules."

The Chair responded:

"Maybe he should have a drink of water at this point."

Representative Anderson then rose and asked if he could continue, and directed by the Chair to "proceed," Representative Anderson continued:

"There are many areas in the water code that, I think, were omitted and for that reason, and that reason alone, being as local as anybody and concerned about water, having mo'opunas like everybody else's children, I am as concerned as you are, but I don't believe we had to rush into it. For that reason, I am voting 'no.'

"Thank you, Mr. Speaker."

Representative Isbell then rose and inquired whether the Chair would answer a question.

Directed by the Chair to state her question, Representative Isbell asked:

"I don't know whether my comments going into last night's--on this water code ..."

The Chair then responded:

"You may insert your comments at this time, Representative Isbell."

Representative Isbell thanked the Chair and spoke in favor of the bill, with reservations, stating:

"Mr. Speaker, I really rushed because I saw the clock and I didn't know what was going to happen so I only said a few things, but I would like, first of all, mention that this is not 'lolo row.' We happen to have some very fine people back here--if you look all around this room.

"But I would like to state that I am in favor of the water code, but my reservations are that we did give in to the Senate on a few items but especially I'm concerned about the fact that we do not have an autonomous board or commission. The four members who are being appointed by the Governor have also with them a commissioner who is appointed by the Board of Land and Natural Resources chairman. Those six people make up the commission. It is not autonomous; it is part of the Department of Land and Natural Resources because that Board's chairman is the chairman of the water commission.

"The fact that we have this kind of a problem, I think, is going to haunt us. If we're going to have an autonomous group, then we must have it separate from the Department of Land and Natural Resources. That was the House's position. We wanted to have an autonomous board. I am very disappointed that we did not prevail on that, and I think we could have, but we didn't. And I also mention, of course, that the county--there's a lot of exceptions to the counties. Everybody has to do certain things--except they don't have to do as much as the others.

"I believe that we'll find loopholes later on, and I do think that we do have some problems with this bill. I believe that we can all live with it, though, and I'm glad that Chairman Levin and the Conference Committee members were able to come up with a water code and, of course, I know that our former Speaker Kawakami would be very proud to know that there is a water code this year.

"Again, from 'lolo row,' thank you very much but please don't--let's not use that name again. That's the last time I want to hear it.

"Thank you very much."

Representative Anderson then rose and requested that "the remarks, except for the last part of Representative Isbell's speech, be inserted into the Journal as though they were my own," and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Souki then rose to speak in favor of the bill, stating:

"Mr. Speaker, before I get into my speech, I would like to say to the Minority members across the hall there that sometimes when things are a little slow in moving along, it could be a great design, a plan of the great Lord when things move slow, that things will fall into place, and I'm sure Representative Cavasso might agree with that.

"Mr. Speaker, I'm sorry. I forgot what I was going to say about the water code."

The Chair responded:

"Maybe you need a little drink of water at this point, too."

Representative Say then rose and stated:

"Mr. Speaker, on behalf of the Twenty-fifth District Representative, I would like to commend Chairman Levin and Vice-Chairman D. Ige for a job well done.

"It is both the House and Senate that we have a draft here this evening and I do believe what the draft is all about is something we can be all proud of.

"I would like to recommend to all my colleagues to vote in favor of this, even Representative Anderson. I'm begging you, please.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 35, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 35 had passed Final Reading at 12:23 o'clock a.m.

At 12:23 o'clock a.m., Representative Takamine asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock a.m.

Conf. Com. Rep. No. 120 on H.B.

No. 42, HD 1, SD 1, CD 1:

On motion by Representative Takamine, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 42, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading by a vote of 40 ayes to 10 noes, with Representatives Anderson, Cavasso, Hemmings, Isbell, Jones, Liu, Marumoto, O'Kieffe, Ribellia and Shito voting no, and Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 42 had passed Final Reading at 12:33 o'clock a.m.

Conf. Com. Rep. No. 122 on H.B. No. 445, HD 1, SD 1, CD 1:

Representative Takamine moved that the report of the Committee be adopted and that H.B. No. 445, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hirono.

Representative Takamine rose and requested that his remarks, in favor of the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

The remarks of Representative Takamine are as follows:

"Mr. Speaker, this bill is aimed at redressing the disastrous effects on Hawaii's people when a large establishment suddenly and without any prior warning shuts down or relocates outside of the State. Workers and their families in these instances are unexpectedly thrown onto unemployment and welfare rolls. They are provided little time for retraining and alternative job placement. Businesses located in nearby communities suffer because workers lose their purchasing power without any time to adjust. These potential adverse effects remain a real and imminent problem as signaled by the recently announced close down of Waiialua Sugar Company.

"Under this bill, business establishments which employ more than 50 employees will provide 45 days notice to affected employees and the Department of Labor so that retraining programs can be started promptly. According to the Director of Labor, approximately 5% of all firms doing business in Hawaii will be covered by

this bill. Construction projects are excluded from this measure. The month and a half notice allows the department time to provide training and other assistance to those who are displaced.

"The bill also requires that the affected establishment promptly pay for wages, benefits and other forms of compensation that are due and owing when the establishment lays the workers off. This provision is intended to insure that displaced employees not be left 'holding the bag' with an irresponsible party who might attempt to escape responsibilities and leaving town suddenly. In the age of increasing foreign owned establishments, such a minimum requirement is prudent and fair. It is consistent with good corporate citizenship in Hawaii.

"Finally, this bill provides four weeks of dislocated workers' allowance benefits to those who are unemployed and receive unemployment benefits. The allowance is a supplemental unemployment insurance benefit of one-third of a worker's pay for four weeks. These payments will benefit neighborhood businesses and workers alike by maintaining the purchasing power of employees to continue for one month after a shutdown. The supplemental unemployment insurance payment terminates when a worker is either (1) not eligible for unemployment insurance benefits, or (2) receives the maximum benefit of four weeks; whichever occurs first. The dislocated worker allowance is a new concept to avoid a federal preemption problem which was earlier presented by the House draft of this bill in its provisions for medical coverage following closures. Under section 3(1) of ERISA (29 USC 1002(1)), unemployment benefits are not preempted by the federal law. As a supplemental unemployment insurance benefit, the allowance is legally considered to be a benefit which state law may provide state action.

"Mr. Speaker, I urge favorable action on this measure."

Representative Bellinger then rose to speak against the bill, stating:

"Mr. Speaker, this bill has the appearance of being aimed solely at some larger corporations. However, there will definitely be an effect on small business. The bill states that a company must comply with its provisions that if it employs 50 or more people at any one time during the course of the year--therefore, any

company who might gear up for special times of the year like Christmas holidays--once that 50 employees limit is reached, they will fall under the provisions of this particular bill.

"Mr. Speaker, there are some other difficulties with it. One requires that the employer pay dislocated workers' allowance that is calculated upon the difference between an employees' unemployment benefits and his actual wages. Well, since the unemployment benefits have maximum caps, this leaves an unlimited liability on behalf of the employer.

"Also, Mr. Speaker, in regards to some of the penalties provided under this bill, it states that where an employer who does not comply with the bill would have to pay an amount equal to all the wages and fringe benefits for 3 months for each employee, this penalty would be assessed regardless of the degree of the employers' noncompliance. But theoretically, if an employer were to give notice only on the 44th day, there is no leeway and so, as a result, the penalties would be installed.

"Mr. Speaker, when we're looking at the various bills and how they affect us, I think that it is very important for us to consider what's the overall effect and try and project how it's going to reach into different aspects of our community, and I believe this particular bill has more harmful effects than beneficial ones and I, therefore, encourage my fellow colleagues to vote 'no.'

"Thank you."

Representative O'Kieffe then rose to speak against the bill, stating:

"Mr. Speaker, H.B. No. 445, HD 1, SD 1, CD 1, a bill relating to dislocated workers, is another example of why Hawaii is perceived as having one of the poorest environments in which to conduct business.

"This is the year which our new Governor and the media dubbed as 'a new beginning.' But we bring to this floor a piece of ill-conceived, ill-timed legislation. This bill is not a solution to the problems some of our workers may face. It is another albatross to be hung around the necks of those in Hawaii who are attempting to provide jobs for our people and to help build a strong economic base for our State.

"No matter if you buy bread for

your table, a roof over your head, or a car to get to work, everyone in this State is affected by business.

"Mr. Speaker, I am aware, as are all the other members of this body, that some of our workers have lost their jobs because of business closings, partial closings, and relocations as defined in this bill. We all have empathy for them when such a loss of employment occurs. However, business closings and/or relocations are a part of everyday occurrences. Just as people are born, live and die, so are businesses begun, succeed or fail.

"Why must we, who are charged with protecting the overall interests of our State, provide programs and policies that penalize those who have made honest efforts to provide jobs for our people and economic growth for our State? We should be creating laws that are fair for everyone concerned.

"Mr. Speaker, when this bill was originally passed by this House and sent to the Senate, it contained several provisions to which all members of the Minority caucus objected, and we all voted no. This Conference Committee draft has dropped one of the most controversial provisions which would have required employers who close their business to provide group health insurance to former employees throughout the 120 days following the closure.

"While that was a positive step, this version contains an even more punitive measure. It requires that employers provide for the full pay of former employees for up to 4 weeks, less any unemployment benefits to which the former employee may be entitled.

"This bill covers all employers in the State who employs 50 or more employees at any time in the preceding 12-month period. This stipulation covers a large portion of the businesses in Hawaii, those medium-sized and larger businesses that are the backbone of the economic well-being of our State. In addition, it would apply to a retailer who has a work force of only 25 during the 11 months of the year but hires an additional 25 employees during the Christmas rush.

"In addition, H.B. No. 445 provides that an employer who does not comply with the bill would have to pay an amount equal to all the wages and fringe benefits for three months to each employee. This penalty would

be assessed even if the employer were to give 44 days notice instead of 45.

"Legislation which is punitive to employers discourages the hiring of employees.

"We must create an economic climate in Hawaii which will help foster job opportunities and economic opportunities for our people, for our children and their children.

"This type of legislation will do exactly the opposite!

"Another provision of this bill, Mr. Speaker, calls for 45 days written notice to all employees affected by a proposed closure, sale or partial closure of a business. If you were the owner of a business which employed 50 or more employees and, because of bad economic conditions you were faced with closing your business, you might choose to inform your employees. That is your right. But that choice may mean even more adverse conditions for your business.

"Your creditors, including your bank and your suppliers, must cut off your credit and demand immediate payment on the funds that are owed. What would that mean for you and your employees and their families? It would mean that for the next 45 days, your business might or might not hobble on, dying a worse death than it might have had you been able to close your business in an orderly manner.

"In addition, Mr. Speaker, I question the constitutionality of this provision. If I am the owner of a business in trouble, or even one in sound economic shape, and I choose to negotiate the sale of that business, I may be hamstrung and hurt economically by having to announce that possible sale by giving notice to my employees. It is an owner's right to be able to negotiate the sale of his business, without the interference and regulation of the State of Hawaii.

"Mr. Speaker, it would seem that the overall goals of this bill are to protect workers from abrupt loss of their jobs, to protect them and their families from the adverse impacts that sales and closures of their places of employment may cause. The goals are noble -- nobody in this House would dispute our concerns for those employees faced with this situation. This is why we have programs where unemployment compensation would help ease the transition period during which the employees can seek other

employment. This bill would add another layer of so-called 'protection' which will have the impact of decreasing job possibilities and expansion of the job market. Potential employers will be hesitant to add jobs and expand opportunities because of the possibility that their endeavors will not work out.

"Mr. Speaker, your own Conference Committee's report contains language which should warn us not to adopt this bill: in attempting to justify the need for this legislation, the Committee Report cites the number of jobs lost nationwide between 1979 to 1984 by plant closures, cutbacks, etc.

"First of all, I would question how relevant the loss of 5.1 million jobs nationwide is to Hawaii, but that is beside the point. But, in noting the major reason for these losses, the Conference Committee Report mentions four major categories of reasons for the closings. I quote the last reason, as noted on page 2 of the report: '. . . community problems (access to raw materials or local taxes) were among the reasons given.

"Mr. Speaker, I emphasize the words 'local taxes.' This bill may not add a tax, but it adds a taxing burden on employers -- current and potential.

"In reality, this bill may be preempted by federal law. The Federal Employee Retirement Income Security Act of 1974 (ERISA) supersedes all state laws requiring employers to pay covered employee benefits. Employee benefits covered by ERISA include severance pay and unemployment benefits. Thus, it is highly probable that ERISA would prohibit the State from requiring employers to pay the 'dislocated worker allowance' as proposed by H.B. No. 445.

"Some members of this Fourteenth Legislature have spent a great deal of time enumerating to the media what wonderful things are being done for the business community this session. They mention the reduction in the unemployment compensation insurance rates and the proposal to credit back the 4% capital goods tax. While these are good measures, they are long overdue. But what is important is that they will benefit the workers in Hawaii by freeing up more monies for business expansion and increased employment opportunities. These measures which also benefit the State because more employed people and an expanded economy mean more tax revenues from both employees and

increased spending in the State.

"Mr. Speaker, nothing operates in a vacuum as some would have us believe. The business community, their employees and the State all have a responsibility to each other -- to act in a sound and prudent manner. Pass this bill. . .'

Interrupting Representative O'Kieffe, Representative Apo rose on a point of order.

Directed by the Chair to state his point, Representative Apo stated:

"Ten minutes is up."

Representative Hemmings then rose and stated:

"Mr. Speaker, I yield my time."

Directed by the Chair to "proceed," Representative O'Kieffe continued:

"Pass this bill, and we will undo, in one vote, all the good things we have claimed earlier in this session to have done for our economic well-being and will not only be hurting the employers in this State, we will be hurting the potential expansion of job opportunities for Hawaii's people.

"Mr. Speaker, I urge all my colleagues to help defeat this bill.

"Thank you, Mr. Speaker."

Representative Kanoho then rose to speak against the bill, stating:

"Mr. Speaker, when this bill first came up for Third Reading in the House, I voted on it because I felt that it was proper management philosophy to inform its employees of any significant occurrences, and this I strictly adhere to in my place of employment.

"But since that time, there have been several amendments which, I feel, has changed the intent and, on closer examination of this bill, it could provide full pay for a period of four weeks after termination to employees not affected by closings as, I believe, was originally intended by this measure.

"The bill includes partial closing in its provisions and the Committee Report indicates that any employer who gradually phases down operations be covered within the scope of this provision. The language of this bill, Mr. Speaker, as explained by previous members, is to be interpreted

to apply to almost any employee who was terminated or laid off. While the bill clearly excludes those employers with less than 50 employees, there are many instances where employers with less than 50 employees would hire additional help at Christmas or other special occasions.

"There also appears that an employer such as an advertising agency, or any company for that matter, which may lose a contract and therefore find it necessary, although reluctant, to release one, two, ten, or whatever member charged with the responsibility of servicing that account, to fall under the provisions of this bill and provide full payment or at least the difference between unemployment compensation and the employee's average weekly wages. This clearly goes beyond the intent of plant closings and could apply to employers who phase down due to economic conditions or instituted deficiencies in its operations.

"I believe this bill has far-reaching negative implications, and for all the reasons cited, I find it necessary to vote 'no' on this measure.

"Thank you."

Representative Anderson then rose and requested a roll call vote on this measure.

Representative Metcalf rose and requested that the remarks of Representative Takamine be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

At 12:45 o'clock a.m., Representative Okamura asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:48 o'clock a.m., Representative Jones rose to speak against the bill, stating:

"Mr. Speaker, I realize this bill has a lot of compassion behind it. I think the motives behind it are very good. But I think that it is very sad that we have to come to the end of our legislative time here together, passing an extremely negative business bill. I think this will be the first one of its kind on a state level in the nation.

"In the testimony that we have heard, there is very little documented precedence for a need for this bill in Hawaii. Very little research, almost

no research, was done in support of this bill of companies that are planning to go out of business in the future.

"Besides the lack of research, Mr. Speaker, behind this bill is a very key element I want each member to think about. We, in this Legislature here, are in the business of providing business with the opportunities to create jobs for our people. This is what should be called a 'venture indebtedness' bill instead of a venture capital bill.

"Every single person out there who is thinking about creating a job, like having a Dairy Queen, or a McDonald's, you're gonna have more than 50 kids probably go through your company in one year and the implications of this, as you think about starting your business, are unbelievable.

"I really think we haven't evaluated the impact that this bill is going to have on job creation in our State. It's a knee-jerk reaction to, I think, some union problems between two unions that were fighting.

"So, I hate to see us be the first state in the nation to pass this. I hate to think what the business community is going to say about job creation, about new opportunities in Hawaii, when any employer thinking about starting a business in this State has to face this law.

"I really think, my fellow colleagues, we should evaluate this bill. Let's think it over for next session and let's vote 'no' tonight.

"Thank you, Mr. Speaker."

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

The House of Representatives reconvened at 12:56 o'clock a.m.

#### GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 125) was read by the Clerk as follows:

"STATE OF HAWAII  
Executive Chambers  
Honolulu

April 30, 1987

The Honorable Daniel J. Kihano  
Speaker, House of Representatives

The Fourteenth State Legislature  
State Capitol  
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the 1987 Regular Session of the Fourteenth Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure

#### EXECUTIVE ORDER

WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor';

WHEREAS, pursuant to said Section 10 of Article III, the 1987 Regular Session of the Fourteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby further extend the 1987 Regular Session of the Fourteenth Legislature of the State of Hawaii for a period of two hours following 1:00 o'clock a.m., April 30, 1987.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 30th day of April, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III  
Attorney General"

At 12:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:56 o'clock a.m., Representative Anderson rose and requested that the remarks of Representatives O'Kieffe, Jones and Kanoho be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Rising to speak against the bill, Representative Cavasso stated:

"Mr. Speaker, while I was sitting here listening to the debate, I was suddenly reflecting on my own company, and maybe, I should share what is happening right now.

"I began my company because I wanted to provide some people some jobs, some people that needed jobs. That was the primary reason for beginning my company when I founded it. I could have done other things and done better as an executive in another company.

"When we started this session, I had thirteen men in the field. Contract changed and it dropped to five men. Another contract developed and I went back up to nine; another contract changed and I went down to three; went up to five, and today, I have six men in the field. What that means is that today, I've already had approximately twenty-five men working for me at one time or another in this year on different contracts that were short term. If it goes like this, by the time we get to the end of the year, I can easily pass the mark of 50 employees.

"Today, I met with one of my customers, a major contract, and because one of the employees in my company that had left came back and did some vandalism on the job, I now am in jeopardy of losing my entire contract, a major contract, which means most of my men would be gone if I lose the job, and tomorrow, I'll be out tracking that employee down to find out if the story is true.

"This bill, from the debate I'm hearing today, has much greater ramifications than most of us have seen for small companies, big companies, all of us.

"I recently read an article in one of the national magazines with an advertisement from our Hawaii saying that Hawaii is now providing a good environment for jobs and for companies, and inviting companies to come to Hawaii -- 'we want you.' And we're trying to expand our base so that we can provide different kinds of jobs. I want jobs, but if this bill is passed and signed into law, it's going to send the opposite message to the mainland and to some of those companies that might be considering coming to Hawaii.

"I know that most people have already cast their votes, but I ask you to reconsider and say 'no' to this bill."

Representative Hagino rose to speak in favor of the bill, stating:

"Mr. Speaker, I would like to correct a statement made earlier by one of the other speakers.

"We will not be the first state to pass this type of legislation. There are approximately 12 other states with plant closure laws. This bill that is currently before us is, in fact, I believe, modeled after the Connecticut and Massachusetts statutes. I wanted to bring this to the attention of the members of this body.

"Thank you, Mr. Speaker."

Representative Takamine rose and stated:

"Mr. Speaker, for the record, again, could I request that my prepared comments, in support of the measure, be inserted into the Journal," and the Chair, noting that there were no objections, "so ordered."

Representative Peters then rose and requested that the remarks of Representatives Bellinger and Kanoho be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Peters, speaking against the measure, also stated:

"Now is the time to pay the piper."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 445, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS", having

been read throughout, passed Final Reading by a vote of 27 ayes to 23 noes, with Representatives Anderson, Andrews, Bellinger, Cavasso, Hashimoto, Hayes, Hemmings, M. Ige, Isbell, Jones, Kanoho, Liu, Marumoto, Medeiros, O'Kieffe, Peters, Pfeil, Ribellia, Say, Shito, Tajiri, Tom, and Yoshimura voting no, and Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 445 had passed Final Reading at 1:03 o'clock a.m.

Conf. Com. Rep. No. 123 on H.B. No. 706, HD 1, SD 2, CD 1:

Representative Takamine moved that the report of the Committee be adopted and H.B. No. 706, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Fukunaga.

Representative Arakaki rose to speak in favor of the measure, stating:

"The increase in the minimum wage represents the crowning touch of the ribbon which ties together a package of programs that addresses the long-suffering social concerns of our State. The minimum wage, along with shelter allowance, basic needs allowance, and medicaid allowances have been frozen at rates of seven to eight years ago. It is no fluke that those years coincide with the policies of Reaganomics and the paranoid threats from without, justified increases in defense spending to the point of overkill while from within, cuts and social programs were justified because they were said to be the reason for our huge deficits and because it fostered dependency on the social system. Over these same years, the rich got richer and poor got poorer.

"As reported in a recent news article, at present, 20 percent of all families enjoy 43 percent of the total income while conversely 60 percent receive only 32.4 percent of the total income -- the lowest level ever recorded. As middle income jobs disappear, our service economy creates so-called 'junk' jobs like at fast-food chains that pay low wages.

"This, my colleagues, is supposedly a nation where all men are created equal. Unfortunately, not all children are born with equal opportunities. Those who are born into environments of abuse, neglect, poor nutrition, inadequate shelter, poor health care, and a general lack of

emotional and intellectual nurturants, suffer the handicaps and scars that are not visible to our eyes, although shackle their spirits for the rest of their lives. Sure there will be some in the game of life who will succeed and hit a home run. There will be far too many who won't even leave the dugout.

"The people of Hawaii has also suffered in the name of fiscal austerity. Where we were once of the forefront of social policy and reform, they were washed over the past years of rankling and aloha for our people, slipped to an all-time low. Our deteriorated, yet burgeoning institutions, are evidence that austerity does not justify neglect but only represents a false economy.

"At the start of the session, I feared that the fervor over economic development meant social issues would once again be relegated to the back burners. While the promise of economic development led many to suffer tunnel vision, our House leadership led by the wisdom and insight of our late Speaker, Richard Kawakami, kept our perspective and saw the big picture. They recognized that social ills and neglect were like cancers that capitulated the strength and spirit of our aloha, and that one needed a healthy and strong spirit in order to produce and to prosper.

"The increase in the minimum wage, increases in shelter, basic needs and medicaid allowances, the work fare program, the new corrections department, housing development, elderly housing programs, programs that will prevent abuse and neglect of children and the elderly, are comprehensive division for the developmentally disabled, and mental health programs for all ages represent legislative landmarks that signal, not only a return of social consciousness, but a hope for dignity for many of our families and individuals. It is a package we can present to the people of Hawaii with pride.

"The chairmen and members of the committees involved, along with the leadership of the House, should be lauded for their achievements of the social agenda and you, fellow members, are committed for your compassion and understanding, and I ask for your support on this measure.

"Thank you, Mr. Speaker."

Representative Crozier rose to speak in favor of the bill, stating:

"Mr. Speaker, you know, in the papers in the last few days, once this bill passed Third Reading in the House, the business community was screaming that by raising the minimum wage, we were going to jack up inflation. You know, doomsday was coming around again, sir. But at the same time, in the newspapers, the papers were saying, 'Settle the negotiations with our public employees. We have to get on with the business at hand.' We settled. They got six percent. God bless them - terrific! But the business community didn't shout, hey, inflation, it's going to drive up inflation. It didn't matter.

"Mr. Speaker, also in the paper the other day, they said that private industry was looking for raises between two and five percent. The construction industry is looking at between four and six percent, so we use five percent. You know, in government, if a person is making around \$10 an hour, you use six percent, that's 60-cents an hour they are going to get. In the construction industry where the men make \$15 an hour, they get five percent, it would be 75-cents. Nobody is screaming about inflation in those areas. Nobody is screaming because we increase the wages. We are going to lose x-amount of jobs -- nobody is saying that except down here at the bottom rung. We increase it 50-cents. We're going to bring this State to a halt.

"Mr. Speaker, I submit that we have to protect the people at the bottom. You know, a good way to explain that, I don't know if it is relevant, but anyway, remember when we were in grade school? Remember the bully of the school? He didn't pick on the other guys who were fairly strong. You know, he got along with those guys; he got along with people who had marketable skills; he got along with unions who had the political clout and were champions of the workers. But in our grade schools, they used to beat up on the smallest guy just to impress the other people that he could do it. In this case, the businessmen screaming that the downtrodden will bring the fall of Hawaii is like the bully picking on the small guy again.

"Thank you, Mr. Speaker."

At 1:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 1:37 o'clock a.m.

Representative O'Kieffe rose and requested that his remarks, against the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

Representative O'Kieffe's remarks are as follows:

"Mr. Speaker, I rise to speak against the bill, House Bill 706, HD 1, SD 2, relating to wages and hours which proposes to increase the State minimum wage from \$3.35/hour to \$3.85/hour beginning in January 1988. I wish to preface my comments by stating that I fully agree with the goals to which this legislation is aimed. Working families in our State are struggling to make ends meet -- they need help. The question we must now answer is will this proposal help them? Will it improve the lives of those people who are hired to work at the minimum wage?

"Proponents of this measure believe it will and offer the simplistic notion that if this legislation were enacted everything else would remain the same except minimum wage earners would now receive a higher wage. This is an easy argument to follow -- it is politically palatable. However, proponents ignore the obvious results. Increases in wages are increases in labor costs. Employers tend to react to higher minimum wages by looking for other ways to reduce labor costs. A common way is to simply hire fewer workers. This should also be an easy argument to follow. An increase in the minimum wage will result in fewer number of entry level, minimum wage jobs. It is estimated that the last minimum wage increase legislated by Congress in 1977 resulted in a loss of 644,000 jobs.

"A profile of workers who would otherwise fill these lost jobs shows the majority to be students working part time, youths entering the work force, and supplemental family income earners. 1986 U.S. Department of Labor, Bureau of Labor Statistics from a current population survey bears this out -- sixty percent of these workers are between the ages of 16 and 25, forty percent are teenagers. The minimum wage job is thus a stepping-stone, allowing those who lack job training to enter into the labor market, establish a work record and move on to higher responsibility and pay. The congressionally established Minimum Wage Study Commission found that 'for every 10 percent increase in the minimum

wage, employment opportunities for teenagers drops by 80,000 to 250,000 jobs.' In addition, the most vulnerable segments of society are the low skilled, those with little formal education, the young and the elderly workers who are most likely to be hurt by increases in the minimum wage.

"We can reasonably expect any increase in production costs to result in higher consumer prices. It has been estimated that the 1977 minimum wage directly increased prices by as much as 6.5 percent. Hawaii already has a burdensome high cost of living so this becomes a hardship on all families. The Minimum Wage Study Commission found that 9 out of 10 families are worse off when the minimum wage is increased.

"In addition to raising our already high cost of living, local businesses will find it even more difficult to compete with mainland competitors. Testimony presented to your Committee on Labor and Public Employment stated that increases in the minimum wage may force local garment manufacturers to close.

"Mr. Speaker, the proponents of this measure have pointed out that a full-time minimum wage worker would earn only \$6,968/year and this is indeed well below the federally established poverty level. They correlate the minimum wage with a minimum standard of living but statistics contradict this. The major problem faced by those with incomes below the poverty level is not inadequate income for time worked, but the lack of a year-round job. Only 16 percent of household heads below the poverty level work at a full-time job all year. 1986 U.S. Department of Labor Statistics show that nearly 2/3 of all minimum wage earners are part-time employees. They are usually not the major bread winners but work to earn supplemental family income. The minimum wage is not intended to be a living wage and, as I have cited, is not used in that manner. If we equate the minimum wage to a living wage, we will have to raise the wage to \$6.08/hour just to reach the \$12,650/year poverty level income for a family of four.

"The State Department of Labor and Industrial Relations testified that a state minimum wage higher than the federally established level will switch enforcement responsibilities of this law to the state. This administrative department further stated, and I quote: 'Another concomitant result

of adopting a state minimum wage higher than the federal standard is the public's confusion as to jurisdiction over minimum wage and overtime complaints.' Does our state need to take over a job that is now being done by the federal government? Worse than that, do we want to contribute to governmental confusion and red tape?

"The 'Minimum Wage Restoration Act,' which would amend the minimum wage to \$3.85 in 1988 was introduced in the U.S. Senate on March 21. Similar legislation was offered in the House the following day. Introdurers claim broad support and have targeted early Fall for crucial votes on the issues. Inasmuch as our Congress will be acting on this soon, our wisest action should be no action.

"It is time to put rhetoric and emotion aside and look realistically at the impacts this bill will have. We must go beyond the altruistic thought that a higher minimum wage will help those who need it most.

"It would be wonderful to be able to lift everybody out of poverty by fiat. Escalating the minimum wage is an attempt at such a law. Ironically, this proposal will harm the same individuals it is designed to assist. If adopted, this law will deprive the lowest skilled workers of jobs, eliminate apprenticeship programs, and hurt their future opportunities by depriving them of the job experience needed to move on to better jobs.

"Mr. Speaker, I urge this legislative body to consider the detrimental effects this bill would have on the lives of workers in Hawaii, and vote 'no' on this bill.

"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. 706, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Jones and O'Kieffe voting no, and Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 706 had passed Final Reading at 1:39 o'clock a.m.

Conf. Com. Rep. No. 121 on H.B. No. 444, HD 1, SD 1, CD 1:

Representative Alcon moved that the report of the Committee be adopted, and H.B. No. 444, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hirono.

At 1:40 o'clock a.m., Representative Hagino asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:41 o'clock a.m.

Representative O'Kieffe rose to speak in favor of the bill, stating:

"House Bill 444, HD 1, SD 1, CD 1, relating to unemployment security provides employers an adjustment in the taxable wage base for the unemployment insurance trust fund. The adjustment will not only save employers approximately \$20-million in 1988, but more importantly, it will keep the fund and its reserves from rising or dropping from its appropriate level. The fund is already estimated at a healthy \$200-million from 1987. Although this bill will be effective for 1988 only, it is a fiscally responsible bill and a well-conceived measure.

"However, Mr. Speaker, while I do support this bill as it stands, I do have a concern as to how it reached its present draft. When this bill passed through House chambers and crossed over, it was an entirely different piece of legislation. House Bill 444, HD 1, has no resemblance whatsoever to the draft now before us. The entire intent, purpose and function of the House draft has been completely deleted and replaced by something different.

"When House Bill 444, HD 1, came up for Third Reading and crossed over, I voted 'no' because I felt it was an irresponsible piece of legislation. Tonight I am voting 'yes' because it has been gutted entirely and replaced with responsible legislation.

"Mr. Speaker, I am not speaking against the amendments. The amendments are a necessary part of the legislative process. However, Mr. Speaker, I do have a concern as to how far we can amend the bill that comes through here. In this instance, the entire bill has been amended. It is disturbing to me, and hopefully others here agree, that any bill we introduce can be gutted and be replaced with something entirely different in intent and purpose, just

as long as it has some vague relationship to the title. I am grateful that, in this instance, the gutted bill worked out for the better. I hope that this House votes in favor of this bill before us and also considers my concerns as to how it got this far.

"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. 444, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT SECURITY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that H.B. No. 444 had passed Final Reading at 1:43 o'clock a.m.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 112 on S.B. No. 486, SD 1, HD 1, CD 1:

On motion by Representative Metcalf, seconded by Representative Andrews and carried, Conf. Com. Rep. No. 112 and S.B. No. 486, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 116 on S.B. No. 1068, HD 1, CD 1:

On motion by Representative Metcalf, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 1068, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS OR EMPLOYEES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Bunda being excused.

The Chair directed the Clerk to note that S.B. No. 1068 had passed Final Reading at 1:44 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1630) recommending that S.C.R. No. 9 be adopted.

On motion by Representative Souki, seconded by Representative Fukunaga

and carried, the report of the Committee was adopted and S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION URGING A UNIFORM EMERGENCY PHONE NUMBER '911' THROUGHOUT THE STATE OF HAWAII", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1631) recommending that H.R. No. 295, HD 1, be adopted.

On motion by Representative Souki, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 295, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH HAWAIIAN MEDIUM CLASSES IN ELEMENTARY SCHOOLS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1632) recommending that H.R. No. 279 be adopted.

On motion by Representative Souki, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 279, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO CONSTRUCT AND INSTALL SECURITY SCREENS FOR PUBLIC SCHOOLS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1633) recommending that H.R. No. 34 be adopted.

On motion by Representative Souki, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 34, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REINSTATE THE THREE-YEAR BASIS RECOVERY RULE FOR EMPLOYEE CONTRIBUTIONS TO RETIREMENT PLANS", was adopted.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1634) recommending that H.R. No. 365 be adopted.

On motion by Representative Souki, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 365, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF TAX LAWS WHICH SERVE TO INHIBIT

REFORESTATION ACTIVITIES", was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1635) recommending that H.R. No. 208, as amended in HD 1, be adopted.

On motion by Representative Fukunaga, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 208, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON STATE AUTHORIZATION FOR THE MINTING OF PURE GOLD AND SILVER STATE COMMEMORATIVE MEDALLIONS", was adopted.

At 1:45 o'clock a.m., Representative Apo asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:52 o'clock a.m.

#### GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 126) was read by the Clerk as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
Honolulu

April 30, 1987

The Honorable Daniel J. Kihano  
Speaker, House of Representatives  
The Fourteenth State Legislature  
State Capitol  
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the 1987 Regular Session of the Fourteenth Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure

#### EXECUTIVE ORDER

WHEREAS, Section 10 of Article III

of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor';

WHEREAS, pursuant to said Section 10 of Article III, the 1987 Regular Session of the Fourteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby further extend the 1987 Regular Session of the Fourteenth Legislature of the State of Hawaii for a period of one hour following 3:00 a.m., April 30, 1987.

DONE at the State Capitol,  
Honolulu, State of Hawaii  
this 30th day of April, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III  
Attorney General"

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

The House of Representatives reconvened at 3:30 o'clock a.m.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1002 to 1005) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 1002) informing the House that Senate Bill Nos. 141, HD 1, CD 1; 320, SD 2, HD 1, CD 1; 481, SD 1, HD 1, CD 1; 548, SD 2, HD 1, CD 1; 634, SD 1, HD 1, CD 1; 769, SD 1, HD 1, CD 1; 847, SD 1, HD 1, CD 1; 1000, HD 2, CD 1;

1068, HD 1, CD 1; 1164, SD 1, HD 1, CD 1; 1367, SD 1, HD 2, CD 1; 1735, SD 2, HD 2, CD 1; and 1747, SD 2, HD 2, CD 1, have passed Final Reading in the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 1003) informing the House that House Bill Nos. 4, HD 2, SD 1, CD 1; 35, HD 1, SD 2, CD 1; 42, HD 1, SD 1, CD 1; 49, HD 1, SD 2, CD 1; 208, SD 1, CD 1; 285, SD 1, CD 1; 287, HD 1, SD 1, CD 1; 310, SD 2, CD 1; 328, HD 1, SD 1, CD 1; 418, HD 1, SD 1, CD 1; 520, HD 1, SD 1, CD 1; 903, HD 1, SD 1, CD 1; 922, SD 1, CD 1; 951, HD 1, SD 2, CD 1; 1002, SD 1, CD 1; 1270, SD 1, CD 1; 1500, HD 1, SD 2, CD 1; 1525, HD 1, SD 1, CD 1; 1530, HD 1, SD 1, CD 1; 1585, HD 1, SD 1, CD 1; 1849, HD 1, SD 1, CD 2; 1861, HD 1, SD 1, CD 1; 1907, HD 1, SD 1, CD 1; and 1931, HD 1, SD 1, CD 1, have passed Final Reading in the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 1004) informing the House that Senate Bill Nos. 515, SD 2, HD 1; 767, SD 1, HD 1; 792, HD 2; 797, SD 1, HD 1; 994, SD 1, HD 2; 1126, SD 1, HD 1; 1143, HD 1; 1201, SD 1, HD 1; 1399, SD 1, HD 1; 1424, SD 1, HD 1; 1443, SD 1, HD 2; 1500, SD 1, HD 2; 1673, SD 1, HD 1; and 1751, SD 1, HD 2, have passed Final Reading in the Senate on April 29, 1987, was placed on file.

A communication from the Senate (Sen. Com. No. 1005) informing the House that House Bill Nos. 444, HD 1, SD 1, CD 1; 445, HD 1, SD 1, CD 1; and 706, HD 1, SD 2, CD 1, have passed Final Reading in the Senate on April 30, 1987, was placed on file.

#### SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Anderson and carried, the rules were suspended for the purpose of reconsidering action previously taken.

#### RECONSIDERATION OF ACTION TAKEN

Representative Takamine moved that the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 1499, HD 2, seconded by Representative Okamura.

Representative Hagino then rose to

speak against the motion, stating:

"Many times we have a chairman stand up and ask this body to reconsider action previously taken on a bill. Many times we have so many bills before us that we simply agree to that motion. As a chairman, I certainly appreciate that kind of trust and respect for that kind of a motion that has to be made from time to time. So it is with a great deal of regret that I speak in opposition to this motion.

"House Bill 1499 was a bill that was duly considered by this body. It was amended twice and sent over to the Senate. The Senate made a draft of that bill. The bill went to conference. The bill remained in conference until tonight, and at the last minute, is now being passed out.

"Basically what this bill does, if we were to agree to the Senate amendment, is to create more civil service exempt positions for the Office of the Governor. And by the Office of the Governor, as I read the bill, we are not talking about positions merely in his office but in program areas allotted to the Governor by the General Appropriations Act. This is the primary reason why I am speaking out against the reconsideration of this measure at this time. Certainly, no one would like to begrudge the Governor, and certainly any new Governor, a chance to pick his own team, and I think that is very important and we have bent over backwards, I think, in the Senate and the House to assure that he can pick the best team possible. In fact, many of us, I think, are very pleased with some of the selections that he has made for his cabinet and for his office. We've had a great interaction between these people and I think we value all of their services.

"However, I think there are more important principles at stake in this bill. We have created a civil service system based on merit principle. These principles are codified in the law and I believe this legislative body puts those laws on the books for very important reasons. It must be a career ladder for employees; it must be a merit principle; there must be civil service rules and regulations in the selection of these individuals. It is these principles that will be annulled by this bill, as I read this bill. Therefore, while I will address further comments should we actually vote on this measure since this is just a measure to move to agree to the Senate amendments at this time and

the hour is getting late, I will restrict my comments on this motion. I will speak to the bill when it comes up for Final Reading shortly.

"But the most important thing is, I think we should not blindly agree to this motion to agree to the Senate draft. I think all of you, my fellow colleagues, should know what this bill is about and if we had a little more time, I am sure we would all like to go to the Third Reading caucus and discuss this bill. But that's what the bill is about and I ask you to consider very carefully the current motion that is before this body at this time.

"Thank you, Mr. Speaker."

Representative Tam rose and stated:

"Mr. Speaker, I also wish to express my objections to this bill. Please have Representative Hagino's words as mine in the Journal."

The Chair "so ordered." (By reference only)

The motion to reconsider action previously taken on H.B. No. 1499, HD 2, SD 1, was put by the Chair and carried.

Representative Takamine moved to agree to the amendments proposed by the Senate to H.B. No. 1499, HD 2.

At 3:35 o'clock a.m., Representative Levin asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:42 o'clock a.m., Representative Takamine withdrew his motion to agree to the amendments proposed by the Senate to H.B. No. 1499, HD 2.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Apo, seconded by Representative Anderson and carried, the following resolutions (H.R. Nos. 502 to 523) were adopted:

A resolution (H.R. No. 502) authorizing the Speaker of the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, to (1) expend such sum or sums from the funds appropriated for legislative and other expenses of the Fourteenth Legislature, Regular Session of 1987; (2) to contract, hire or employ such personnel and assistance; and (3) to do or cause to be done such other

duties; all for the purposes of completing the work of the Fourteenth Legislature, Regular Session of 1987, subsequent to the adjournment thereof, including and carrying out of any official legislative business in the interim between the 1987 and 1988 sessions, up to and including January 20, 1988, this authorization being in addition to any other authorization heretofore granted to the Speaker or any other officer or officers of the House of Representatives was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 503) authorizing the Speaker of the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, to designate which of the employees and officers of the House shall be given additional employment to meet the work after the session and is further authorized to determine the period of employment for each was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 504) authorizing the Speaker of the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, to approve the Journal of this House of any legislative day being compiled as of the 63rd day was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 505) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1987, was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 506) relating to standing and special committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1987 and the convening of the Regular Session of 1988 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 507) expressing appreciation and thanks to KHON-Television (Channel 2) for its extensive coverage of the activities of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 508) extending appreciation and thanks to KGMB-Television (Channel 9) for its exten-

sive coverage of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 509) extending appreciation and thanks to KITV (Channel 4) for its extensive coverage of the activities of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 510) extending appreciation and thanks to KHET Public Television (Channel 11) for its extensive coverage of the activities of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 511) extending appreciation and thanks to KHVH All-News Radio for its splendid coverage of the activities of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 512) extending appreciation and thanks to the radio stations for their fine coverage of the activities of the House of Representatives throughout the Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 513) extending appreciation and thanks to the Honolulu Star-Bulletin for its extensive coverage of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 514) extending appreciation and thanks to the Honolulu Advertiser for its splendid coverage of the activities of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 515) expressing appreciation and thanks to the Associated Press (AP) for its extensive coverage of the Fourteenth Legislature, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 516) extending appreciation and thanks to the United Press International (UPI) for its extensive coverage of the Fourteenth Legislature, Regular

Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 517) expressing appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice to the House of Representatives, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 518) expressing appreciation and thanks to the Legislative Reference Bureau for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 519) extending appreciation and thanks to the Legislative Auditor's Office for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 520) extending appreciation and thanks to the Central Services Division, Department of Accounting and General Services for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 521) expressing appreciation and thanks to the Capitol Security Force for excellent service rendered to the House of Representatives throughout the Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 522) extending appreciation and thanks to the Honolulu Police Department for its fine and efficient service rendered to the House of Representatives, Regular Session of 1987 was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

A resolution (H.R. No. 523) extending sincere gratitude and thanks to the Hawaii Council of Churches, the Hawaii Buddhist Council, the Catholic Diocese and Temple Emanuel was jointly offered by Representatives Okamura, Apo, Liu and Anderson.

At 3:44 o'clock a.m., Representa-

tive Takamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:46 o'clock a.m.

MATTER DEFERRED FROM  
EARLIER ON THE CALENDAR

Representative Takamine moved that the House agree to the amendments proposed by the Senate to H.B. No. 1499, HD 2, seconded by Representative Okamura.

Representative Hagino rose and stated:

"Mr. Speaker, this is my second crack at it. I know I have a third crack at it at Final Reading. I wish to, at this time, speak against the motion once again. I don't believe, in this particular case, that we have had enough time to consider the reason why we wish to agree to this amendment at this time. I think this has been a bill that leaves some people at hearings that raise questions. The bill was properly amended by this House; it was amended by the Senate. There was sufficient reason for us to disagree to this bill. It did go to conference. I'm uncertain but I believe no conference was held on this bill. I stand to be corrected on this matter whether a conference was actually held on this bill. That's all fine. It is 3:47 in the morning and we are about to adjourn. I think the bill. . .for us to pass this bill in haste, at this time, would be very poor judgment on our part. The bill will carry over next year. This is just the first year of our biennial legislature and the bill can certainly remain in the Conference Committee. The leadership of this House need not discharge the conferees. They can continue in the ensuing session in 1988 to work on this bill, to give us more time to digest what it is we are doing to the nature of government, and to pass this bill should we see fit in 1988.

"Just yesterday, in speaking on House Bill 1318 which was the shifting of the financing in housing development structure of DSSH to DPED, I did point out to this body that with that bill and with the Department of Corrections bill, we had made great changes in the delivery of government services in one particular program -- social services, welfare and housing and corrections. That program is a very vast program -- expenditures number a half-a-billion dollars in

funds each year.

"In addition to that, we had made other changes. For example, the planning functions of DPED have been shifted to the Office of the Governor, and I think that is very important for us to realize that we have made major changes to the Office of the Governor. We have beefed up that office considerably. In other aspects of the Office of the Governor, for example, in the Office of Children and Youth, it was this body, this House, that pushed for additional long-range planners for that office. So, again, here is another office or program attached to the Governor's Office that we have decided to expand. During the interim, our Committee on Human Services will be looking at further possible expansion in the area of children and youth. So, I think you can see that we are creating a larger office for the executive, and at this time, I think it is foolhardy for us not to consider the exact structure of that office. We have certainly enough time to do it in 1988, and I think this body should do so in 1988.

"There are other problems with agreeing to the Senate amendment and if somebody will return the bill to me, I will look at it.

"I think the amendment, which is on page 2, and I know none of us have it because we don't have our conference reports. On page 2, where it is changing sub 5, it states: 'Employees in the Office of the Governor. . . .' and we add the words, 'positions which the Governor is authorized to establish and place in program areas as allocated to the Governor by the General Appropriations Act.'

"I think what is of concern to me, and I know to some others, is that that section is a very vague section. It could actually be given a broad reading. For example, aren't we all, except for those members of the Legislature, employees of the Governor? We don't put any restrictions as to the number of positions in this bill. It merely states that it is those positions which are established and placed in program areas allocated to the Governor by the General Appropriations Act. So whatever amount of funds or positions we put into the General Appropriations Act will automatically be assigned to the Governor's Office. These will all be civil service exempt positions. So there is really no limit. We have not put any lid in any shape or form as to this transfer of authority in the manner

which the Governor will handpick his officials.

"It is this amendment, Mr. Speaker, that I think deserves and should warrant further attention by our body, perhaps even by the Senate, because this bill can still remain in Conference Committee. The duly appointed Senators, the duly appointed Representatives, still have a possibility of a Conference Committee to hammer out a reasonable compromise and limits as to the scope and breadth of this amendment.

"So, therefore, we are not voting down the bill; it will mean to oppose this bill in any shape or form. I am merely asking that this body consider, to give an adequate time to consider the importance of this bill.

"The other thing that troubles me about this bill. . . I guess there are a lot of things that trouble me, and my speechwriter on the right is giving me additional things to say. I thank the Judiciary Chairman for that. I think the program areas, and I think this should also be important to us, and what are these program areas? Are these program areas on the program, planning, budgeting system, or PPBS, as we know it? That is not spelled out in the law. Are these programs in Health? Are these programs in Planning and Economic Development? Are these programs in Labor? Are these programs in Personnel Services? Are these programs in the Department of Education? Are these programs at the University of Hawaii? Are these programs in Land and Natural Resources? Are these programs in the Department of Defense? Are these programs in the newly created departments. . .

At this point, the Chair interrupted and said:

"Representative Hagino, you have two minutes."

Representative Hagino continued:

"Thank you, Mr. Speaker. I will certainly use those two minutes that you have given me. I know you will inform me when I've run overtime.

"There are seventeen departments. . . well, there are now eighteen departments if we pass the Department of Corrections bill. And, each of these departments have numerous program areas. There seem to be no limit, as I read it in this bill, as to the kinds of people that may be selected.

"Now, this is an example in the area of the Department of Health. I realize that that is already a civil service position. . . I mean it is an exempt position from the civil service laws but we have, by statute, specified the qualifications of the Director of the Department of Health. If we feel that someone at the position must have certain characteristics, certain educational requirements, then I don't see the reason or rationale for saying other positions which may be under this Director may be civil service exempt. I am sure you know the history of the Director of the Department of Health, Mr. Speaker. We went through a time when the Director could be someone with a public health degree, and a medical doctor degree. We have subsequently changed that law to read that the Director could be. . .

The Chair interrupted and stated:

"Representative Hagino, your ten minutes are up."

At this point, Representative Tam rose and yielded his ten minutes to Representative Hagino.

Representative Hagino continued, saying:

"I guess we could do two things at this time, Mr. Speaker. Either give me the ten minutes that I've been allotted, or we could simply call a recess, but I don't think you'll call a recess so I'll keep going -- I'll keep going for five more minutes anyhow, Mr. Speaker.

"What we did was that we first said there were certain requirements for the Director of the Department of Health. Then we removed that and said he just had to be someone with an administrative background, then we replaced it again and required him to have certain other characteristics, and that is why we now have Dr. Lewin. There's got to be a rationale why we have a civil service system. There's got to be a rationale why people have certain requirements for a position, and I think that's because we want the man or the woman who's going to do that job. . . we want to be assured that that person can perform the job in that capacity.

"But what I think is important and this is by way, I think, of understanding why we have the civil service law and the merit system, in particular, is that employees, and these are thousands of employees, and I am sure, you know, it should

be brought to bear on us that we recently had negotiations and a ratification of contracts covering thousands of employees. These employees deserve or have a right to have a career ladder. A person starts out, for example, as a laborer II in the Department of Parks and Recreation. I think that person in the career ladder should know that if he has the characteristics, if he has the requirements, that should a vacancy occur, for example, in the equipment operator position, he can apply for that job. You know, and by meeting the civil service requirements of that job, you need a civil service test for that job. He can get that appointment and if wants to be an equipment operator III, or working foreman, and all up and down the steps in the career ladder for which he has chosen, that he can, by doing the necessary amount of work, by meeting those characteristics, by training himself, by engaging in training the system program, that he can get that promotion.

"What happens when you take people off of the civil service ladder, we take positions off the civil service ladder, is that you no longer, I think, enhance the desirability to have a merit system, to have a career ladder, to have a civil service rules and regulations. I say this with some particular interest because as part of my work as a lawyer, I've had to represent employees from time to time from various unions who did not secure the promotion and we've always made the argument, for example, that this person should get it because of the career ladder, because of the civil service requirements, and certain kinds of outsiders should not be given a chance unless they go through the same career ladder, the same steps -- they go to become a laborer I, a laborer II, an equipment operator, finally to working foreman. We don't like to see the career ladder bypassed. We don't like to see the merit system bypassed. And I think this is what happens when we create this kind of system.

"Furthermore, historically. . .

The Chair interrupted and stated:

"Representative Hagino, we have reached the hour of our extension. You have filibustered the bill to death."

#### ADJOURNMENT

At 4:00 o'clock a.m., the Speaker

rapped his gavel and declared the  
House of Representatives of the  
Fourteenth Legislature of the State of

Hawaii, Regular Session of 1987,  
adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 127 informing the House that on March 6, 1987, he signed the following bill into law:

Senate Bill No. 263 as Act 2, entitled: "RELATING TO THE LEGISLATURE".

Gov. Msg. No. 128 transmitting copies of the 1985-86 Annual Report prepared by the School Health Services Branch, Family Health Services Division, Department of Health.

Gov. Msg. No. 129 returning House Bill No. 131, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 5, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 131

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 131, entitled, 'A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES.'

The purpose of House Bill No. 131 is to prohibit any employer from requiring or allowing any employee applicant to pay an advance fee or any other fee, deposit, or compensation for processing the applicant's job application.

Senate Bill No. 307, also passed by the Legislature during the Regular Session of 1987, similarly prohibits the assessment of a job application fee. Since I intend to approve Senate Bill No. 307, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 131 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 131, entitled, 'A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 131 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 131 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 130 returning House Bill No. 736, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 5, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 736

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith,

without my approval, House Bill No. 736, entitled, 'A BILL FOR AN ACT RELATING TO FOREIGN BANKS.'

The purposes of House Bill No. 736 are to amend the Hawaii Revised Statutes by adding a new chapter, entitled 'Foreign Banks,' that will (1) authorize the Commissioner of Financial Institutions to license all foreign banking entities doing business in the State and subject them to the same State regulatory examination and supervision restraints as the other licensed financial institutions, and (2) establish the criteria for which a foreign bank may maintain representative offices, nondepository agencies, and depository agencies.

However, House Bill No. 736 is substantially identical to Senate Bill No. 35, which was also passed by the Legislature during the Regular Session of 1987. Since I intend to approve Senate Bill No. 35, which will accomplish the purposes of House Bill No. 736, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 736 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 736, entitled, 'A BILL FOR AN ACT RELATING TO FOREIGN BANKS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 736 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii,

giving notice of my plan to return House Bill No. 736 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 131 informing the House that on April 6, 1987, he signed the following bill into law:

Senate Bill No. 376 as Act 3, entitled: "RELATING TO ACT 145, SESSION LAWS OF HAWAII 1984."

Gov. Msg. No. 132 informing the House that on April 10, 1987, he signed the following bill into law:

Senate Bill No. 887 as Act 4, entitled: "RELATING TO STATE RESORT CAMPS AND SERVICES."

Gov. Msg. No. 133 informing the House that on April 15, 1987, he signed the following bill into law:

House Bill No. 1494 as Act 5, entitled: "RELATING TO PUBLIC LANDS."

Gov. Msg. No. 134 informing the House that on April 23, 1987, he signed the following bills into law:

House Bill No. 312 as Act 6, entitled: "RELATING TO DECISIONS OF THE COMMISSIONER OF FINANCIAL INSTITUTIONS";

House Bill No. 314 as Act 7, entitled: "RELATING TO GENERAL EXCISE TAX";

Senate Bill No. 318 as Act 8, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

Senate Bill No. 411 as Act 9, entitled: "RELATING TO THE STATE GEM";

Senate Bill No. 596 as Act 10, entitled: "RELATING TO ASSISTANCE TO DISPLACED PERSONS";

House Bill No. 878 as Act 11, entitled: "RELATING TO THE HAWAII CODE OF MILITARY JUSTICE";

House Bill No. 882 as Act 12,

entitled: "RELATING TO HEALTH";

House Bill No. 884 as Act 13, entitled: "RELATING TO HEALTH";

House Bill No. 887 as Act 14, entitled: "RELATING TO MENTAL HEALTH";

House Bill No. 1324 as Act 15, entitled: "RELATING TO TAXATION"; and

House Bill No. 1520 as Act 16, entitled: "RELATING TO THE UNIVERSITY OF HAWAII".

Gov. Msg. No. 135 informing the House that on April 23, 1987, he signed the following bill into law:

House Bill No. 883 as Act 17, entitled: "RELATING TO PROFESSIONS AND OCCUPATIONS".

Gov. Msg. No. 136 informing the House that after considerable study and reflection, he will permit the following bill to become law on April 24, 1987, without his signature:

House Bill No. 1312 as Act 18, entitled: "RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE".

Gov. Msg. No. 137 informing the House that on April 24, 1987, he signed the following bill into law:

Senate Bill No. 735 as Act 19, entitled: "MAKING AN APPROPRIATION FOR THE SUPPORT OF THE 1990 AMERICA'S CUP IN HAWAIIAN WATERS".

Gov. Msg. No. 138 informing the House that after considerable study and reflection, and after hearing the impressive arguments of those who have favored, and those who have opposed this bill, he will permit the following bill to become law on April 27, 1987, without his signature:

House Bill No. 1759 as Act 20, entitled: "RELATING TO TAXATION".

Gov. Msg. No. 139 informing the House that on April 27, 1987, he signed the following bills into law:

House Bill No. 533 as Act 21, entitled: "RELATING TO FISHING IN CERTAIN WATERS";

House Bill No. 754 as Act 22, entitled: "RELATING TO COR-

PORATIONS";

House Bill No. 858 as Act 23, entitled: "RELATING TO AUTOPSIES";

House Bill No. 1012 as Act 24, entitled: "RELATING TO RENTAL HOUSING";

House Bill No. 1053 as Act 25, entitled: "RELATING TO INCOME MAINTENANCE PROGRAMS";

House Bill No. 1340 as Act 26, entitled: "RELATING TO ELDERLY ABUSE OR NEGLECT";

House Bill No. 190 as Act 27, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

and on April 29, 1987, he signed the following bill into law:

House Bill No. 1477 as Act 28, entitled: "RELATING TO THE MILITIA".

Gov. Msg. No. 140 informing the House that on May 12, 1987, he signed the following bills into law:

Senate Bill No. 58 as Act 29, entitled: "RELATING TO THE LANDLORD-TENANT CODE";

Senate Bill No. 311 as Act 30, entitled: "RELATING TO PUBLIC EMPLOYEES IN THE EXCLUDED MANAGERIAL COMPENSATION PLAN";

Senate Bill No. 323 as Act 31, entitled: "RELATING TO THE LOYALTY OATH";

Senate Bill No. 983 as Act 32, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 1442 as Act 33, entitled: "RELATING TO MOPEDS";

Senate Bill No. 1530 as Act 34, entitled: "RELATING TO CORRECTIONS";

Senate Bill No. 1704 as Act 35, entitled: "RELATING TO THE HAWAII STATE GUARD"; and

Senate Bill No. 1726 as Act 36, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED".

Gov. Msg. No. 141 informing the House that on May 15, 1987, he

signed the following bill into law:

Senate Bill No. 1737 as Act 37, entitled: "RELATING TO THE DEPARTMENT OF BUDGET AND FINANCE";

and on May 19, 1987, he signed the following bills into law:

Senate Bill No. 67 as Act 38, entitled: "RELATING TO TORTS";

Senate Bill No. 81 as Act 39, entitled: "RELATING TO TAXATION";

Senate Bill No. 82 as Act 40, entitled: "RELATING TO TAXATION";

Senate Bill No. 143 as Act 41, entitled: "RELATING TO TAXATION";

Senate Bill No. 309 as Act 42, entitled: "RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW";

Senate Bill No. 140 as Act 43, entitled: "RELATING TO ACT 347, SESSION LAWS OF HAWAII 1986; and

Senate Bill No. 310 as Act 44, entitled: "RELATING TO THE BOILER AND ELEVATOR SAFETY LAW".

Gov. Msg. No. 142 informing the House that on May 29, 1987, he signed the following bill into law:

House Bill No. 35 as Act 45, entitled: "RELATING TO THE STATE WATER CODE".

Gov. Msg. No. 143 informing the House that on May 29, 1987, he signed the following bills into law:

Senate Bill No. 45 as Act 46, entitled: "RELATING TO THE LEGAL STATUS OF PERSONS";

Senate Bill No. 65 as Act 47, entitled: "RELATING TO FAMILY COURT";

Senate Bill No. 66 as Act 48, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 91 as Act 49, entitled: "RELATING TO ORCHARDS";

Senate Bill No. 125 as Act 50, entitled: "RELATING TO TORTS";

Senate Bill No. 156 as Act 51, entitled: "RELATING TO SALVAGED VEHICLES";

Senate Bill No. 258 as Act 52, entitled: "RELATING TO FOOD, DRUGS, AND COSMETICS";

Senate Bill No. 268 as Act 53, entitled: "RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY";

Senate Bill No. 301 as Act 54, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 303 as Act 55, entitled: "RELATING TO HEALTH REQUIREMENTS FOR ENTRY TO SCHOOL";

Senate Bill No. 304 as Act 56, entitled: "RELATING TO THE STATE LIBRARIAN";

Senate Bill No. 337 as Act 57, entitled: "RELATING TO PRIVATE INVESTIGATORS AND GUARDS";

Senate Bill No. 351 as Act 58, entitled: "RELATING TO ANIMALS";

Senate Bill No. 365 as Act 59, entitled: "RELATING TO PHYSICAL THERAPY";

Senate Bill No. 366 as Act 60, entitled: "RELATING TO TIME SHARING";

Senate Bill No. 368 as Act 61, entitled: "RELATING TO ADVERTISING IN CONNECTION WITH CREDIT SALES";

Senate Bill No. 370 as Act 62, entitled: "RELATING TO PRIVATE ACTIVITY BONDS";

Senate Bill No. 393 as Act 63, entitled: "RELATING TO VETERINARY MEDICINE";

Senate Bill No. 414 as Act 64, entitled: "RELATING TO GENERAL EXCISE TAX EXEMPTIONS";

Senate Bill No. 434 as Act 65, entitled: "RELATING TO PENALTIES";

Senate Bill No. 435 as Act 66, entitled: "RELATING TO FISHING REGULATIONS";

Senate Bill No. 442 as Act 67, entitled: "RELATING TO HEALTH CARE PROFESSIONALS";

Senate Bill No. 447 as Act 68, entitled: "RELATING TO CHIROPRACTIC";

Senate Bill No. 448 as Act 69, entitled: "RELATING TO CONSUMER PROTECTION";

Senate Bill No. 449 as Act 70, entitled: "RELATING TO OPTOMETRY";

Senate Bill No. 450 as Act 71, entitled: "RELATING TO OSTEOPATHY";

Senate Bill No. 451 as Act 72, entitled: "RELATING TO LICENSING OF PSYCHOLOGISTS";

Senate Bill No. 452 as Act 73, entitled: "RELATING TO DENTAL HYGIENISTS";

Senate Bill No. 469 as Act 74, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

Senate Bill No. 521 as Act 75, entitled: "RELATING TO CONTRACTORS";

and on May 30, 1987, he signed the following bills into law:

Senate Bill No. 568 as Act 76, entitled: "RELATING TO THE PRACTICE OF MEDICINE AND SURGERY";

Senate Bill No. 589 as Act 77, entitled: "RELATING TO DERELICT VEHICLES";

Senate Bill No. 590 as Act 78, entitled: "RELATING TO LICENSE PLATES OF STORED VEHICLES";

Senate Bill No. 594 as Act 79, entitled: "RELATING TO HAWAII HOUSING AUTHORITY -- HOUSING PROJECTS";

Senate Bill No. 597 as Act 80, entitled: "RELATING TO COUNTY HOUSING POWERS";

Senate Bill No. 611 as Act 81, entitled: "RELATING TO SERVICE-CONNECTED OCCUPATIONAL DISABILITY RETIREMENT";

Senate Bill No. 778 as Act 82, entitled: "RELATING TO PROTECTION OF HAWAII'S NATIVE FLORA AND FAUNA";

Senate Bill No. 784 as Act 83, entitled: "RELATING TO GAMBLING OFFENSES";

Senate Bill No. 791 as Act 84, entitled: "RELATING TO APPEALS IN CRIMINAL CASES";

Senate Bill No. 827 as Act 85, entitled: "RELATING TO WITNESS AND DEFENDANT'S EXPENSES; COST OF EXTRADITION";

Senate Bill No. 882 as Act 86, entitled: "RELATING TO SEED DISTRIBUTION";

Senate Bill No. 934 as Act 87, entitled: "RELATING TO THE FACILITATION OF PERMIT PROCESSING";

Senate Bill No. 959 as Act 88, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 979 as Act 89, entitled: "RELATING TO EXPENDITURE OF PUBLIC MONEY";

Senate Bill No. 980 as Act 90, entitled: "RELATING TO ACCOUNTING OF GOVERNMENT ASSETS";

Senate Bill No. 981 as Act 91, entitled: "RELATING TO AGRICULTURE";

Senate Bill No. 982 as Act 92, entitled: "RELATING TO NOXIOUS WEED CONTROL";

Senate Bill No. 997 as Act 93, entitled: "RELATING TO THE SALE OF FISHING LICENSES";

Senate Bill No. 999 as Act 94, entitled: "RELATING TO REEMPLOYMENT AND RECALL LISTS";

Senate Bill No. 1002 as Act 95, entitled: "RELATING TO REAL ESTATE";

Senate Bill No. 1079 as Act 96, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

Senate Bill No. 1098 as Act 97, entitled: "RELATING TO UNFAIR INSURANCE PRACTICES AND FRAUDS";

Senate Bill No. 1126 as Act 98, entitled: "RELATING TO MARRIAGE LICENSE";

Senate Bill No. 1151 as Act 99, entitled: "RELATING TO HAWAII HOUSING AUTHORITY";

Senate Bill No. 1156 as Act 100, entitled: "RELATING TO LEGITIMATION";

Senate Bill No. 1160 as Act 101, entitled: "RELATING TO CONCESSIONS";

Senate Bill No. 1277 as Act 102, entitled: "RELATING TO PEST CONTROL OPERATORS";

Senate Bill No. 1286 as Act 103, entitled: "RELATING TO BANKING";

Senate Bill No. 1287 as Act 104, entitled: "RELATING TO BANKING";

Senate Bill No. 1323 as Act 105, entitled: "RELATING TO LIMITED-EQUITY HOUSING COOPERATIVES";

and on May 31, 1987, he signed the following bills into law:

Senate Bill No. 1342 as Act 106, entitled: "RELATING TO TRAVEL AGENCIES";

Senate Bill No. 1372 as Act 107, entitled: "RELATING TO LABOR";

Senate Bill No. 1458 as Act 108, entitled: "RELATING TO INVESTIGATION OF ELDERLY ABUSE OR NEGLECT";

Senate Bill No. 1643 as Act 109, entitled: "RELATING TO ZONING";

Senate Bill No. 1708 as Act 110, entitled: "RELATING TO LOANS";

Senate Bill No. 1711 as Act 111, entitled: "RELATING TO AGRICULTURAL PARKS";

Senate Bill No. 1722 as Act 112, entitled: "RELATING TO RECOVERY OF MONEY OWED TO THE STATE";

Senate Bill No. 1733 as Act 113, entitled: "RELATING TO CONTROLLED SUBSTANCES";

Senate Bill No. 1738 as Act 114, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1739 as Act 115, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1740 as Act 116, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1741 as Act 117, entitled: "RELATING TO THE

EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1742 as Act 118, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1744 as Act 119, entitled: "RELATING TO EMPLOYMENT SECURITY";

Senate Bill No. 1745 as Act 120, entitled: "RELATING TO THE WORKERS' COMPENSATION MEDICAL FEE SCHEDULE";

Senate Bill No. 1746 as Act 121, entitled: "RELATING TO WORKERS' COMPENSATION LAW";

Senate Bill No. 1758 as Act 122, entitled: "RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT";

Senate Bill No. 1713 as Act 123, entitled: "RELATING TO GOVERNMENT ASSETS";

House Bill No. 285 as Act 124, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 477 as Act 125, entitled: "RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE";

House Bill No. 521 as Act 126, entitled: "RELATING TO BOXING COMMISSION";

House Bill No. 536 as Act 127, entitled: "RELATING TO VICTIM RESTITUTION";

House Bill No. 708 as Act 128, entitled: "RELATING TO PRISONER'S PSYCHOLOGICAL CARE";

House Bill No. 922 as Act 129, entitled: "RELATING TO FAMILY COURT";

House Bill No. 1002 as Act 130, entitled: "RELATING TO IMPERSONATING A LAW ENFORCEMENT OFFICER";

House Bill No. 1233 as Act 131, entitled: "RELATING TO NET FISHING IN HILO BAY";

House Bill No. 1327 as Act 132, entitled: "RELATING TO YOUTH CORRECTIONAL FACILITIES"; and

House Bill No. 1585 as Act 133, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES".

Gov. Msg. No. 144 informing the House that on June 3, 1987, he signed the following bill into law:

Senate Bill No. 1451 as Act 134, entitled: "RELATING TO HOME AND COMMUNITY-BASED CARE FOR THE ELDERLY";

and on June 5, 1987, he signed the following bills into law:

House Bill No. 1935 as Act 135, entitled: "RELATING TO CORPORATIONS";

Senate Bill No. 138 as Act 136, entitled: "RELATING TO THE GENERAL FUND EXPENDITURE CEILING";

Senate Bill No. 216 as Act 137, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 316 as Act 138, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

Senate Bill No. 800 as Act 139, entitled: "RELATING TO BAIL";

Senate Bill No. 856 as Act 140, entitled: "RELATING TO ORGANIZED CRIME";

Senate Bill No. 877 as Act 141, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 909 as Act 142, entitled: "RELATING TO SUBSTANCE ABUSE";

Senate Bill No. 1001 as Act 143, entitled: "RELATING TO PEST CONTROL OPERATORS";

Senate Bill No. 1023 as Act 144, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 1095 as Act 145, entitled: "RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED";

Senate Bill No. 1163 as Act 146, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL";

Senate Bill No. 1224 as Act 147, entitled: "RELATING TO MEDICINE";

Senate Bill No. 1446 as Act 148, entitled: "RELATING TO MENTAL HEALTH";

Senate Bill No. 1673 as Act 149, entitled: "RELATING TO EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1748 as Act 150, entitled: "RELATING TO VESSEL REGISTRATION FEES AND CHARGES";

House Bill No. 81 as Act 151, entitled: "RELATING TO LIENS";

House Bill No. 489 as Act 152, entitled: "RELATING TO OPTOMETRY";

House Bill No. 497 as Act 153, entitled: "RELATING TO CEMETERIES";

House Bill No. 520 as Act 154, entitled: "RELATING TO BEAUTY CULTURE";

House Bill No. 528 as Act 155, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

House Bill No. 534 as Act 156, entitled: "RELATING TO NIGHT HUNTING";

House Bill No. 872 as Act 157, entitled: "RELATING TO ASBESTOS CONTROL AND LICENSING";

House Bill No. 890 as Act 158, entitled: "RELATING TO MENTAL HEALTH";

House Bill No. 898 as Act 159, entitled: "RELATING TO HOUSING";

House Bill No. 892 as Act 160, entitled: "RELATING TO SALE OF HUNTING LICENSES";

House Bill No. 903 as Act 161, entitled: "RELATING TO FAMILY COURT";

House Bill No. 1158 as Act 162, entitled: "RELATING TO ASSISTANCE TO DISPLACED PERSONS";

House Bill No. 1332 as Act 163, entitled: "RELATING TO AIRPORTS";

House Bill No. 1467 as Act 164, entitled: "RELATING TO PLANT AND ANIMAL LIFE, SEEDS AND SOILS";

House Bill No. 1486 as Act 165, entitled: "RELATING TO SAFE DRINKING WATER";

House Bill No. 1529 as Act 166, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

House Bill No. 1849 as Act 167, entitled: "RELATING TO PESTICIDES";

Senate Bill No. 35 as Act 168, entitled: "RELATING TO FOREIGN BANKS"; and

Senate Bill No. 307 as Act 169, entitled: "RELATING TO JOB APPLICATION PROCESSING FEES".

Gov. Msg. No. 145 transmitting his statement of objections to Senate Bill No. 1723, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 7, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1723

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1723, entitled, 'A BILL FOR AN ACT RELATING TO TAXABLE MORTGAGE SECURITIES PROGRAM.'

The purpose of Senate Bill No. 1723 is to authorize the Hawaii Housing Authority to establish taxable mortgage securities programs. I believe that the purpose of this bill has merit. In fact, I intend to approve its companion bill, House Bill No. 1512, which was also passed by the Legislature. Since I intend to approve House Bill No. 1512, there is no necessity to also enact this bill.

For the foregoing reason, I am returning Senate Bill No. 1723 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proc-

lamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1723, entitled, 'A BILL FOR AN ACT RELATING TO TAXABLE MORTGAGE SECURITIES PROGRAMS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1723 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1723 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 146 informing the House that on June 6, 1987, he signed the following bills into law:

Senate Bill No. 419 as Act 170, entitled: "RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE";

Senate Bill No. 162 as Act 171, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 432 as Act 172, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 526 as Act 173, entitled: "RELATING TO GROUP LIFE INSURANCE";

Senate Bill No. 774 as Act 174, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 785 as Act 175, entitled: "RELATING TO VALUATION OF PROPERTY";

Senate Bill No. 797 as Act 176,

entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1053 as Act 177, entitled: "RELATING TO PUBLIC CONTRACTS";

Senate Bill No. 1288 as Act 178, entitled: "RELATING TO REAL ESTATE";

Senate Bill No. 1357 as Act 179, entitled: "RELATING TO THE MOLOKAI IRRIGATION AND WATER UTILIZATION PROJECT";

Senate Bill No. 1526 as Act 180, entitled: "RELATING TO INSURANCE";

House Bill No. 3 as Act 181, entitled: "RELATING TO SECTIONS 701-107, 701-108, 706-606.5, 706-610, 706-640, 706-656, 707-700, 707-702, 707-711, 707-730, 707-731, AND 707-732";

House Bill No. 208 as Act 182, entitled: "RELATING TO FAMILY COURTS";

House Bill No. 230 as Act 183, entitled: "RELATING TO ART IN STATE BUILDINGS";

House Bill No. 305 as Act 184, entitled: "RELATING TO COLLECTIVE BARGAINING";

House Bill No. 374 as Act 185, entitled: "RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL";

House Bill No. 378 as Act 186, entitled: "RELATING TO ENVIRONMENTALLY-RELATED HUMAN ILLNESS AND INJURY";

House Bill No. 379 as Act 187, entitled: "RELATING TO ENVIRONMENTAL QUALITY";

House Bill No. 413 as Act 188, entitled: "RELATING TO PHARMACY";

House Bill No. 463 as Act 189, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR G.N. WILCOX MEMORIAL HOSPITAL";

House Bill No. 492 as Act 190, entitled: "RELATING TO MASSAGE";

House Bill No. 518 as Act 191, entitled: "RELATING TO COLLECTION";

House Bill No. 539 as Act 192, entitled: "RELATING TO THE STATE TORT LIABILITY ACT";

House Bill No. 681 as Act 193, entitled: "RELATING TO COMMUNITY HEALTH FACILITIES";

House Bill No. 771 as Act 194, entitled: "RELATING TO CONTRACTS";

House Bill No. 1028 as Act 195, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

House Bill No. 1073 as Act 196, entitled: "RELATING TO THE HAWAII INSURANCE LAW";

House Bill No. 1079 as Act 197, entitled: "RELATING TO PATERNITY ACTION";

House Bill No. 1102 as Act 198, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 1138 as Act 199, entitled: "RELATING TO DAMS AND RESERVOIRS";

House Bill No. 1151 as Act 200, entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS";

House Bill No. 1173 as Act 201, entitled: "RELATING TO DOG LICENSE";

House Bill No. 1256 as Act 202, entitled: "RELATING TO THE PENAL CODE";

House Bill No. 1487 as Act 203, entitled: "RELATING TO HEALTH";

House Bill No. 1510 as Act 204, entitled: "RELATING TO CHILD ABUSE";

House Bill No. 1512 as Act 205, entitled: "RELATING TO TAXABLE MORTGAGE SECURITIES PROGRAMS";

House Bill No. 1931 as Act 206, entitled: "RELATING TO CREDIT CARDS";

and on June 7, he signed the following bills into law:

House Bill No. 331 as Act 207, entitled: "RELATING TO INTOXICATING LIQUOR"; and

House Bill No. 1521 as Act 208,

entitled: "RELATING TO REAL ESTATE".

Gov. Msg. No. 147 returning House Bill No. 529, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 7, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 529

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 529, entitled, 'A BILL FOR AN ACT RELATING TO PENALTIES.'

The purpose of House Bill No. 529 is to amend Section 189-16, Hawaii Revised Statutes, to provide a general penalty where none is currently provided, for violations of certain provisions contained within Part I of Chapter 189, Hawaii Revised Statutes, and for administrative rules that are adopted by the Department of Land and Natural Resources pursuant to Chapter 189.

However, House Bill No. 529 is identical to Senate Bill No. 434, which was also passed by the Legislature during the Regular Session of 1987. Since I intend to approve Senate Bill No. 434, which will accomplish the purpose of House Bill No. 529, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 529 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the

Legislature; and

WHEREAS, House Bill No. 529, entitled, 'A BILL FOR AN ACT RELATING TO PENALTIES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 529 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 529 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 148 transmitting his statement of objections to Senate Bill No. 1289, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 7, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1289

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1289, entitled, 'A BILL FOR AN ACT RELATING TO REAL ESTATE.'

The purpose of Senate Bill No. 1289 is to amend Section 467-16, Hawaii Revised Statutes, to allow a person to recover from the real estate recovery fund when the Real Estate Commission settles a claim with that person and to amend Section 467-22, Hawaii Revised Statutes, to provide the Commission with the statutory right of subrogation when cases are settled or adjudicated.

However, the amendments to be made by Senate Bill No. 1289 are identical to those made in Sections 1 and 2 of House Bill No. 1521, which was also passed by the Legislature during the Regular Session of 1987. Since I intend to approve House Bill No. 1521, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1289 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1289, entitled, 'A BILL FOR AN ACT RELATING TO REAL ESTATE,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1289 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1289 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 149 informing the House that on June 12, 1987, he signed the following bills into law:

Senate Bill No. 1142 as Act 209,

entitled: "RELATING TO PRECINCT OFFICIALS";

Senate Bill No. 1143 as Act 210, entitled: "RELATING TO THE BOARD OF REGISTRATION";

Senate Bill No. 1146 as Act 211, entitled: "RELATING TO USE OF FEDERAL WRITE-IN ABSENTEE BALLOT";

Senate Bill No. 1172 as Act 212, entitled: "RELATING TO ALLEVIATING TRAFFIC CONGESTION"; and

Senate Bill No. 1702 as Act 213, entitled: "RELATING TO EMPLOYEES OF THE LIEUTENANT GOVERNOR'S OFFICE".

Gov. Msg. No. 150 informing the House that on June 22, 1987, he signed the following bills into law:

House Bill No. 1469 as Act 214, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

Senate Bill No. 1735 as Act 215, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 2 as Act 216, entitled: "RELATING TO THE STATE BUDGET";

Senate Bill No. 1660 as Act 217, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECTS";

House Bill No. 287 as Act 218, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

Senate Bill No. 141 as Act 219, entitled: "RELATING TO STATE BONDS";

House Bill No. 328 as Act 220, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 418 as Act 221, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

House Bill No. 1590 as Act 222, entitled: "RELATING TO HIGHWAY

SAFETY";

Senate Bill No. 1024 as Act 223, entitled: "RELATING TO INTOXICATING LIQUOR"; and

House Bill No. 706 as Act 224, entitled: "RELATING TO WAGES AND HOURS".

Gov. Msg. No. 151 informing the House that on June 23, 1987, he signed the following bills into law:

Senate Bill No. 1000 as Act 225, entitled: "RELATING TO PUBLIC EMPLOYMENT";

Senate Bill No. 1158 as Act 226, entitled: "RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS";

Senate Bill No. 1443 as Act 227, entitled: "RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENTS";

Senate Bill No. 317 as Act 228, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

Senate Bill No. 379 as Act 229, entitled: "RELATING TO PUBLIC CONTRACTS";

Senate Bill No. 436 as Act 230, entitled: "RELATING TO AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES TO CORRECT REFERENCES TO REPEALED CHAPTER 191, HAWAII REVISED STATUTES";

Senate Bill No. 565 as Act 231, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1145 as Act 232, entitled: "RELATING TO BALLOTS";

House Bill No. 377 as Act 233, entitled: "RELATING TO THE ENVIRONMENTAL COUNCIL";

House Bill No. 464 as Act 234, entitled: "RELATING TO SMOKING IN PUBLIC PLACES";

House Bill No. 581 as Act 235, entitled: "RELATING TO THE OFFICE OF NARCOTICS ENFORCEMENT";

House Bill No. 652 as Act 236, entitled: "RELATING TO USED OIL RECYCLING AND DISPOSAL";

House Bill No. 741 as Act 237,

entitled: "RELATING TO SCHOOL BUSES";

House Bill No. 889 as Act 238, entitled: "RELATING TO HEALTH";

and on June 24, 1987, he signed the following bills into law:

Senate Bill No. 320 as Act 239, entitled: "RELATING TO TAXATION";

House Bill No. 444 as Act 240, entitled: "RELATING TO UNEMPLOYMENT SECURITY";

House Bill No. 1500 as Act 241, entitled: "RELATING TO THE ESTABLISHMENT OF A NEW INDUSTRY TRAINING PROGRAM";

Senate Bill No. 1154 as Act 242, entitled: "RELATING TO THE HAWAII INNOVATION DEVELOPMENT PROGRAM";

House Bill No. 1502 as Act 243, entitled: "RELATING TO A CAPITAL LOAN PROGRAM";

House Bill No. 1227 as Act 244, entitled: "RELATING TO SPACE";

Senate Bill No. 350 as Act 245, entitled: "RELATING TO SMOKING IN THE WORKPLACE";

Senate Bill No. 444 as Act 246, entitled: "RELATING TO BARBERING";

Senate Bill No. 456 as Act 247, entitled: "RELATING TO THRILL CRAFT";

Senate Bill No. 492 as Act 248, entitled: "RELATING TO TAX INCREMENT FINANCING";

Senate Bill No. 522 as Act 249, entitled: "RELATING TO CLOSED BANKS";

Senate Bill No. 525 as Act 250, entitled: "RELATING TO INSURANCE";

Senate Bill No. 533 as Act 251, entitled: "RELATING TO OFFENDER FAMILIES";

Senate Bill No. 539 as Act 252, entitled: "RELATING TO LIQUOR";

Senate Bill No. 545 as Act 253, entitled: "RELATING TO LONG-TERM CARE INSURANCE";

Senate Bill No. 619 as Act 254,

entitled: "RELATING TO CERTIFICATION OF PRIVATE CESSPOOL PUMPING FIRMS";

Senate Bill No. 632 as Act 255, entitled: "RELATING TO INSURANCE";

Senate Bill No. 727 as Act 256, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 787 as Act 257, entitled: "RELATING TO ASSAULTS OF EDUCATIONAL WORKERS";

Senate Bill No. 808 as Act 258, entitled: "RELATING TO NO-FAULT INSURANCE";

Senate Bill No. 833 as Act 259, entitled: "RELATING TO INSURANCE";

Senate Bill No. 847 as Act 260, entitled: "RELATING TO MANDATORY SENTENCES FOR CRIMES COMMITTED WITH A FIREARM";

Senate Bill No. 956 as Act 261, entitled: "RELATING TO CONSUMER COMMODITIES";

Senate Bill No. 957 as Act 262, entitled: "RELATING TO HOME DETENTION";

Senate Bill No. 968 as Act 263, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE HONOLII STREAM HYDRO PROJECT";

Senate Bill No. 993 as Act 264, entitled: "RELATING TO HEALTH";

Senate Bill No. 994 as Act 265, entitled: "RELATING TO HEALTH";

Senate Bill No. 1749 as Act 266, entitled: "RELATING TO TRAFFIC SAFETY";

House Bill No. 5 as Act 267, entitled: "RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT";

House Bill No. 62 as Act 268, entitled: "RELATING TO FRAUDULENTLY OBTAINED TELECOMMUNICATIONS OR CABLE TELEVISION SERVICES";

House Bill No. 391 as Act 269, entitled: "RELATING TO HOUSING";

House Bill No. 1025 as Act 270, entitled: "RELATING TO HEALTH PLANNING AND RESOURCES DEVELOPMENT AND HEALTH CARE COST CONTROL";

House Bill No. 1156 as Act 271, entitled: "RELATING TO THE STATE FIRE COUNCIL";

House Bill No. 1244 as Act 272, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 1270 as Act 273, entitled: "RELATING TO ELECTIONS";

House Bill No. 1525 as Act 274, entitled: "RELATING TO RESTRAINT OF TRADE; MONOPOLIES";

House Bill No. 1530 as Act 275, entitled: "RELATING TO MORTGAGES"; and

House Bill No. 1861 as Act 276, entitled: "RELATING TO REAL ESTATE".

Gov. Msg. No. 152 informing the House that on June 24, 1987, he signed the following bills into law:

Senate Bill No. 24 as Act 277, entitled: "RELATING TO CONDOMINIUM BYLAWS";

Senate Bill No. 97 as Act 278, entitled: "RELATING TO ADOPTIONS";

Senate Bill No. 241 as Act 279, entitled: "RELATING TO MOTOR VEHICLES";

and on June 25, 1987, he signed the following bills into law:

Senate Bill No. 341 as Act 280, entitled: "RELATING TO UNIFORM COMMERCIAL CODE";

Senate Bill No. 389 as Act 281, entitled: "RELATING TO NATUROPATHY";

Senate Bill No. 420 as Act 282, entitled: "RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE";

Senate Bill No. 431 as Act 283, entitled: "RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFY-

ING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

Senate Bill No. 1201 as Act 284, entitled: "RELATING TO MONE-TARY LAUNDERING";

Senate Bill No. 1278 as Act 285, entitled: "RELATING TO PSY-CHOLOGY";

Senate Bill No. 1284 as Act 286, entitled: "RELATING TO CREDIT LIFE INSURANCE";

Senate Bill No. 1395 as Act 287, entitled: "RELATING TO NO-FAULT INSURANCE";

Senate Bill No. 1399 as Act 288, entitled: "RELATING TO WAGES AND HOURS ON PUBLIC WORKS";

Senate Bill No. 1431 as Act 289, entitled: "RELATING TO THE HEARING IMPAIRED";

Senate Bill No. 1435 as Act 290, entitled: "RELATING TO PSY-CHOLOGY";

Senate Bill No. 1500 as Act 291, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYS-TEM";

Senate Bill No. 1627 as Act 292, entitled: "RELATING TO TAXA-TION";

House Bill No. 46 as Act 293, entitled: "RELATING TO TOBACCO PRODUCTS";

House Bill No. 105 as Act 294, entitled: "RELATING TO DIS-CRIMINATION IN PUBLIC ACCOM-MODATIONS";

House Bill No. 132 as Act 295, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

House Bill No. 210 as Act 296, entitled: "RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 375 as Act 297, entitled: "RELATING TO CHEMICAL CONTAMINATION OF WATER RESOURCES";

House Bill No. 408 as Act 298, entitled: "RELATING TO HORI-ZONTAL PROPERTY REGIMES";

House Bill No. 453 as Act 299, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYS-TEM";

House Bill No. 498 as Act 300, entitled: "RELATING TO DIS-PENSING OPTICIANS";

House Bill No. 516 as Act 301, entitled: "RELATING TO CABLE SYSTEMS";

House Bill No. 541 as Act 302, entitled: "RELATING TO PRIVATE USE OF OCEAN WATERS AND NAVIGABLE STREAMS";

House Bill No. 574 as Act 303, entitled: "RELATING TO CON-VEYANCES";

House Bill No. 578 as Act 304, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

Senate Bill No. 255 as Act 305, entitled: "RELATING TO CHILD SUPPORT";

Senate Bill No. 398 as Act 306, entitled: "RELATING TO IR-RIGATION SYSTEMS";

Senate Bill No. 548 as Act 307, entitled: "RELATING TO THE ESCHEAT OF KULEANA LANDS";

Senate Bill No. 1007 as Act 308, entitled: "RELATING TO HEALTH";

Senate Bill No. 1072 as Act 309, entitled: "RELATING TO AD-MINISTRATION OF HOSPITALS";

Senate Bill No. 1164 as Act 310, entitled: "RELATING TO PESTI-CIDES";

House Bill No. 307 as Act 311, entitled: "RELATING TO COL-LECTIVE BARGAINING";

House Bill No. 586 as Act 312, entitled: "RELATING TO AQUA-CULTURE";

House Bill No. 592 as Act 313, entitled: "RELATING TO RENTAL HOUSING"; and

House Bill No. 904 as Act 314, entitled: "RELATING TO FAMILY COURT".

Gov. Msg. No. 153 informing the House that on June 26, 1987, he signed the following bills into law:

House Bill No. 920 as Act 315,  
entitled: "RELATING TO FAMILY  
COURT";

House Bill No. 921 as Act 316,  
entitled: "RELATING TO FAMILY  
COURT";

House Bill No. 999 as Act 317,  
entitled: "RELATING TO FRAUD-  
ULENT USE OF PLATES";

House Bill No. 1174 as Act 318,  
entitled: "RELATING TO DRIVER  
LICENSE RENEWAL BY MAIL";

House Bill No. 1176 as Act 319,  
entitled: "RELATING TO DEALERS  
IN NEW MOTOR VEHICLES";

House Bill No. 1246 as Act 320,  
entitled: "RELATING TO UNFAIR  
INSURANCE PRACTICES AND  
FRAUDS";

House Bill No. 1251 as Act 321,  
entitled: "RELATING TO THE  
UNIFORM PREMARITAL AGREEMENT  
ACT";

House Bill No. 1252 as Act 322,  
entitled: "RELATING TO CRIMINAL  
RECORDS";

House Bill No. 1331 as Act 323,  
entitled: "RELATING TO THE  
CHILD SUPPORT ENFORCEMENT  
AGENCY";

House Bill No. 1519 as Act 324,  
entitled: "RELATING TO VESSEL  
REGISTRATION FEES AND  
CHARGES";

House Bill No. 1583 as Act 325,  
entitled: "RELATING TO EN-  
VIRONMENTAL IMPACT STATE-  
MENTS";

House Bill No. 1688 as Act 326,  
entitled: "RELATING TO UNIFORM  
AERONAUTICS ACT (MODIFIED)";

House Bill No. 1710 as Act 327,  
entitled: "RELATING TO SMALL  
ESTATES";

House Bill No. 1795 as Act 328,  
entitled: "RELATING TO  
HOUSING";

House Bill No. 1796 as Act 329,  
entitled: "RELATING TO  
HOUSING";

House Bill No. 1889 as Act 330,  
entitled: "RELATING TO PERMITS  
FOR ARCHAEOLOGICAL WORK";

Senate Bill No. 815 as Act 331,  
entitled: "RELATING TO

HEALTH";

Senate Bill No. 1112 as Act 332,  
entitled: "RELATING TO IN-  
SURANCE";

Senate Bill No. 1729 as Act 333,  
entitled: "RELATING TO COUNTY  
LICENSES";

Senate Bill No. 1734 as Act 334,  
entitled: "RELATING TO DEVEL-  
OPMENTALLY DISABLED"; and

Senate Bill No. 1765 as Act 335,  
entitled: "RELATING TO TRANS-  
FER OF PARKS BETWEEN THE  
STATE AND THE COUNTIES".

Gov. Msg. No. 154 informing the  
House that on June 29, 1987, he  
signed the following bills into law:

Senate Bill No. 1747 as Act 336,  
entitled: "RELATING TO STATE  
PLANNING";

Senate Bill No. 1318 as Act 337,  
entitled: "RELATING TO  
HOUSING";

Senate Bill No. 5 as Act 338,  
entitled: "RELATING TO A DE-  
PARTMENT OF CORRECTIONS";

Senate Bill No. 1751 as Act 339,  
entitled: "RELATING TO A DE-  
PARTMENT OF HUMAN SERVICES";

House Bill No. 1738 as Act 340,  
entitled: "RELATING TO EM-  
PLOYMENT FOR THE CHRONICALLY  
MENTALLY ILL";

House Bill No. 598 as Act 341,  
entitled: "RELATING TO PERSONS  
WITH DEVELOPMENTAL DISABILI-  
TIES OR MENTAL RETARDATION";

House Bill No. 1150 as Act 342,  
entitled: "RELATING TO CO-  
ORDINATION OF SERVICES FOR  
CHILDREN WITH SEVERE EMOTION-  
AL AND DEVELOPMENTAL PROB-  
LEMS";

Senate Bill No. 515 as Act 343,  
entitled: "RELATING TO GRANTS  
FOR CHILD ABUSE AND NEGLECT  
PREVENTION";

House Bill No. 1514 as Act 344,  
entitled: "RELATING TO PUBLIC  
ASSISTANCE";

House Bill No. 26 as Act 345,  
entitled: "RELATINT TO THE  
ESTABLISHMENT OF A VOLUNTARY  
WORKFARE PROGRAM"; and

House Bill No. 14 as Act 346,

entitled: "MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT".

Gov. Msg. No. 155 informing the House that on July 2, 1987, he signed the following bills into law:

House Bill No. 410 as Act 347, entitled: "RELATING TO INSURANCE";

Senate Bill No. 361 as Act 348, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1525 as Act 349, entitled: "RELATING TO INSURANCE";

House Bill No. 654 as Act 350, entitled: "RELATING TO NATURAL AREA RESERVES SYSTEM";

House Bill No. 735 as Act 351, entitled: "RELATING TO NATURAL AREA RESERVES SYSTEM";

Senate Bill No. 1295 as Act 352, entitled: "ESTABLISHING A GUANGDONG PROVINCE SPECIAL EXCHANGE PROGRAM AND MAKING AN APPROPRIATION THEREFOR";

Senate Bill No. 1274 as Act 353, entitled: "RELATING TO OCEAN RESOURCES";

Senate Bill No. 776 as Act 354, entitled: "RELATING TO ELDERLY HOUSING";

House Bill No. 310 as Act 355, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

House Bill No. 1000 as Act 356, entitled: "RELATING TO PROMOTING A DANGEROUS DRUG IN THE SECOND DEGREE";

House Bill No. 223 as Act 357, entitled: "RELATING TO FILM PRODUCTION";

House Bill No. 251 as Act 358, entitled: "RELATING TO PUBLIC CONTRACTS";

House Bill No. 849 as Act 359, entitled: "RELATING TO DOMESTIC ABUSE";

House Bill No. 853 as Act 360, entitled: "RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS";

House Bill No. 1209 as Act 361, entitled: "RELATING TO ENVI-

RONMENTAL QUALITY IN HARBORS";

House Bill No. 428 as Act 362, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 430 as Act 363, entitled: "RELATING TO HANDICAPPED PERSONS";

House Bill No. 1041 as Act 364, entitled: "RELATING TO ENFORCEMENT";

House Bill No. 486 as Act 365, entitled: "RELATING TO REAL ESTATE TRANSACTIONS"; and

House Bill No. 121 as Act 366, entitled: "RELATING TO JURORS".

Gov. Msg. No. 156 informing the House that on July 3, 1987, he signed the following bills into law:

Senate Bill No. 242 as Act 367, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 471 as Act 368, entitled: "RELATING TO STATE-OWNED CEMETERIES AND MAKING APPROPRIATIONS THEREFOR";

Senate Bill No. 769 as Act 369, entitled: "RELATING TO CAMPAIGN SPENDING";

Senate Bill No. 830 as Act 370, entitled: "RELATING TO DISCRIMINATION IN REAL PROPERTY";

Senate Bill No. 1083 as Act 371, entitled: "RELATING TO CIVIL SERVICE LAW";

Senate Bill No. 1518 as Act 372, entitled: "RELATING TO GEOTHERMAL RESOURCE SUBZONES"; and

House Bill No. 1536 as Act 373, entitled: "RELATING TO SECURITIES".

Gov. Msg. No. 157 informing the House that on July 7, 1987, he signed the following bills into law:

House Bill No. 220 as Act 374, entitled: "RELATING TO WORKER'S COMPENSATION";

House Bill No. 49 as Act 375, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 1424 as Act 376, entitled: "RELATING TO FAMILY

COURT-APPOINTED ATTORNEYS  
AND GUARDIANS AD LITEM";

House Bill No. 445 as Act 377,  
entitled: "RELATING TO DIS-  
LOCATED WORKERS";

House Bill No. 1357 as Act 378,  
entitled: "RELATING TO CON-  
TESTED CASES"; and

House Bill No. 1841 as Act 379,  
entitled: "RELATING TO LAND  
AND NATURAL RESOURCES".

Gov. Msg. No. 158 informing the House that after review of the State's fiscal situation and some uncertainty about the State's ability to fund the programs and projects provided for in certain bills, he has permitted the following measures to become law on July 7, 1987, without his signature:

Senate Bill No. 154 as Act 380,  
entitled: "RELATING TO THE  
ESTABLISHMENT OF A COMPUTER-  
IZED FINGERPRINT IDENTIFICA-  
TION SYSTEM";

House Bill No. 42 as Act 381,  
entitled: "RELATING TO  
WORKERS' COMPENSATION";

House Bill No. 750 as Act 382,  
entitled: "RELATING TO THE  
HONOLULU SYMPHONY";

House Bill No. 1421 as Act 383,  
entitled: "MAKING AN APPRO-  
PRIATION FOR THE KALAKAUA  
AVENUE SAFETY AND BEAUTI-  
FICATION PROJECT, OAHU"; and

House Bill No. 1924 as Act 384,  
entitled: "MAKING AN APPRO-  
PRIATION FOR BUILDING IM-  
PROVEMENTS TO THE RICHARDS  
STREET YWCA".

Gov. Msg. No. 159 returning House Bill No. 2 with various appropriations stricken throughout the bill, with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith,

without my approval, House Bill No. 2, entitled, 'A BILL FOR AN ACT RELATING TO THE STATE BUDGET.'

The purpose of this bill is to appropriate funds for the fiscal biennium July 1, 1987, to June 30, 1989, for the operating expenditures of the various agencies in the executive branch of the State, other government programs, and capital improvements projects. While the bill as a whole has merit, I object to the following appropriations for the reasons indicated:

1. The \$22,000 portion of the general fund appropriation for fiscal year 1987-88 for defense (DEF 110 on page 54) designated in Section 228 of the bill (on page 154) to be expended for research and improvements to support and enhance the tsunami warning system, and requiring the counties to provide matching funds. To the extent that this constitutes a mandate to the counties pursuant to Section 5 of Article VIII of the State Constitution, this appropriation is unenforceable under Section 306 of House Bill No. 2.

2. The \$575,000 portion (for fiscal year 1987-88) of the general fund appropriation for Grants-in-Aid to Counties (SUB 101 on page 64) designated in Section 275 of the bill (on page 176) to be for the Maui Youth Theater. The expending agency or county responsible for disbursement of the funds for the Maui Youth Theater is not identified. Furthermore, the requirements of Chapter 42, Hawaii Revised Statutes, have not been satisfied.

3. The \$50,000 portion (fiscal year 1987-88) and \$50,000 portion (fiscal year 1988-89) of Grants-in-Aid to Counties (SUB 101 on page 64) designated in Section 277 of the bill (on page 176) to be expended by Oahu Neighborhood Housing Services, Inc. for operations. The expending agency has not been identified and cannot be assumed since SUB 101 includes all four counties of the State.

4. The \$20,000 portion (fiscal year 1987-88) of Grants-in-Aid to counties (SUB 101 on page 64) designated in Section 278 on page 176 to be expended to develop and maintain a juvenile data collection/retrieval system for the County of Maui. The expending agency has not been identified and cannot be assumed since SUB 101 includes all four counties.

5. The following appropriations for

purchases of service and grants-in-aid have not satisfied the requirements of Chapter 42, Hawaii Revised Statutes:

(i) The \$250,000 portion of the general fund appropriation for fiscal year 1987-88 for performing and visual arts (AGS 881 on page 50) designated in Section 212 of the bill (on page 149) to be expended for grants-in-aid.

(ii) The \$100,000 portion of the general fund appropriation for fiscal year 1987-88 for performing the visual arts (AGS 881 on page 50) designated in Section 212 of the bill (on page 149) to be expended for grants-in-aid.

(iii) The \$10,000 portion (fiscal year 1987-88) and the \$10,000 portion (fiscal year 1988-89) of the general fund appropriation for performing and visual arts (AGS 881 on page 50) designated in Section 211 of the bill (on page 149) to be expended for purchase of service.

(iv) The \$78,204 portion (FY 1987-88) and \$82,114 portion (FY 1988-89) of the general fund appropriation for private housing development and ownership (SOC 225 on page 31) designated in Section 94 of the bill (on page 103) to be expended for purchase of service for private housing development and ownership.

(v) The \$250,000 portion (FY 1987-88) and \$250,000 portion (FY 1988-89) of the general fund appropriation for services to individuals and families (SOC 111 on page 30) designated in Section 91 of the bill (on page 102) to be expended for purchase of service.

(vi) The \$100,000 portion (FY 1987-88) and the \$100,000 portion (FY 1988-89) of the general fund appropriation for private housing development and ownership (SOC 225 on page 103) designated in Section 94 of the bill (on page 103) to be expended for purchase of service.

(vii) The \$40,000 portion (FY 1987-88) and the \$40,000 portion (FY 1988-89) of the general fund appropriation for planning, program development and coordination of services for the elderly (G)V 602 on page 33) designated in Section 102 of the bill (on page 106) to be expended for purchase of service.

(viii) The \$85,000 portion (FY 1987-88) and the \$85,000 portion (FY 1988-89) of the general fund appro-

priation for community based services for mental health (HTH 401 on page 26) designated in Section 65 of the bill (on page 91) to be expended for purchase of service.

(ix) The \$150,000 portion (FY 1987-88) and the \$189,000 portion (FY 1988-89) of the general fund appropriation for community based services for mental health (HTH 401 on page 26) designated in Section 65 of the bill (on page 91) to be expended for purchase of service.

(x) The \$55,000 portion of the general fund appropriation for fiscal year 1987-88 for community based services for mental health (HTH 401 on page 26) designated in Section 65 of the bill (on page 91) to be expended for purchase of service.

(xi) The \$175,000 portion (FY 1987-88) and the \$175,000 portion (FY 1988-89) of the general fund appropriation for community based services for mental health (HTH 401 on page 26) designated in Section 65 of the bill (on page 91) to be expended for purchase of service.

(xii) The \$66,400 portion (FY 1987-88) and the \$62,400 portion (FY 1988-89) of the general fund appropriation for health education (HTH 908 on page 29) designated in Section 84 of the bill (on page 99) to be expended for purchase of service.

(xiii) The \$50,000 portion of the general fund appropriation for fiscal year 1987-88 for chronic diseases (HTH 151 on page 23) designated in Section 54 of the bill (on page 89) to be expended for purchase of service.

(xiv) The \$41,334 portion of the general fund appropriation for fiscal year 1987-88 for office of community services (LBR 903 on page 12) designated in Section 38 of the bill (on page 82) to be expended for grants-in-aid.

(xv) The \$42,000 portion (FY 1987-88) and the \$44,000 portion (FY 1988-89) of the general fund appropriation for office of community services (LBR 903 on page 12) designated in Section 39 of the bill (on page 82) to be expended for purchase of service.

(xvi) The \$75,000 portion of the general fund appropriation for fiscal year 1987-88 for office of community services (LBR 903 on page 12) designated in Section 38 of the bill (on page 82) to be expended for

grants-in-aid.

(xvii) The \$100,000 portion (FY 1987-88) and the \$105,000 portion (FY 1988-89) of the general fund appropriation for office of community services (LBR 903 on page 12) designated in Section 39 of the bill (on page 82) to be expended for purchase of service.

There may be appropriations to other organizations which do not satisfy the requirements of Chapter 42. Funding allocations for these appropriations will be restricted and/or withheld, as appropriate, during the budget implementation should this be confirmed.

6. Sums for certain capital improvements projects listed in Part IV, Section 280, of House Bill No. 2 were not included in the related appropriations in Part II of House Bill No. 2. These projects are described as follows:

(i) \$600,000 in fiscal year 1987-88 for improvements to Puainako Extension Roadways and Saddle Road, Hawaii (page 226, lines 12-17) which was not appropriated under item 26 (TRN 511, page 17).

(ii) \$300,000 in fiscal year 1987-88 for Haleakala Highway (page 231, lines 5-8) which was not appropriated under item 27 (TRN 531, page 18).

(iii) \$300,000 in fiscal year 1987-88 for Mokulele Highway (page 231, lines 9-11) which was not appropriated under item 27 (TRN 531, page 18).

(iv) \$650,000 in fiscal year 1987-88 for X49 State Highways, Safety Improvements at various locations including drainage, Kauai (page 233, lines 13-20) which was not appropriated under item 30 (TRN 561, page 18).

7. Appropriations were made in Section 280 of the bill for certain special-funded highway projects out of general obligation bond proceeds. This is an inappropriate use of general obligation debt. The projects inappropriately funded are described as follows:

(i) \$500,000 in fiscal year 1987-88 for Kamehameha Highway Improvements, Mililani Towards Waiawa (page 222, lines 5-10), currently appropriated under item 25 (TRN 501, page 17).

(ii) \$100,000 in fiscal year 1987-88 for Interstate H-1, Pearl City On-Ramp Acceleration Lane, Oahu (page 222, lines 11-16), currently appropriated under item 25 (TRN 501, page 17).

(iii) \$150,000 in fiscal year 1987-88 for Moanalua Road, vicinity of Waiiau Interchange, Oahu (page 223, lines 5-9), currently appropriated under item 25 (TRN 501, page 17).

(iv) \$500,000 in fiscal year 1987-88 for Kamehameha Hwy, Lehua Avenue to Moanalua Road, Traffic Light Improvements (page 223, lines 10-14), currently appropriated under item 25 (TRN 501, page 17).

Because of the foregoing objections, I have taken the following actions:

a. Reduced the \$6,266,319 DEF 110 operating item (on page 54) and changed it to \$6,244,319 and stricken \$22,000 from Section 228 of the bill (on page 154).

b. Reduced the \$33,686,551 SUB 101 operating item for fiscal year 1987-88 (on page 64) and changed it to \$33,041,551, and stricken \$575,000 from Section 275 of the bill (on page 176); stricken \$50,000 from Section 277 of the bill (on page 176) and stricken \$20,000 from Section 278 of the bill (on page 176).

c. Reduced the \$31,497,551 SUB 101 operating item for fiscal year 1988-89 (on page 64) and changed it to \$31,447,551 and stricken \$50,000 from Section 277 of the bill (on page 176).

d. Reduced the \$4,262,112 AGS 881 operating item for fiscal year 1987-88 (on page 50) and changed it to \$3,902,112, and reduced the \$1,875,000 in Section 212 of the bill (on page 149) and changed it to \$1,525,000, and reduced the \$1,975,845 in Section 211 of the bill (on page 149) and changed it to \$1,965,845.

e. Reduced the \$2,380,207 AGS 881 operating item for fiscal year 1988-89 (on page 50) and changed it to \$2,370,207 and reduced the \$1,958,345 in Section 211 (on page 149) and changed it to \$1,948,345.

f. Reduced the \$12,720,694 SOC 111 operating item for fiscal year 1987-88 (on page 30) and changed it to \$12,470,694 and reduced the \$5,590,669 in Section 91 of the bill (on page 102) and changed it to \$5,340,669.

- g. Reduced the \$12,739,725 SOC 111 operating item for fiscal year 1988-89 (on page 30) and changed it to \$12,489,725, and reduced the \$5,598,021 in Section 91 of the bill (on page 102) and changed it to \$5,348,021.
- h. Reduced the \$678,204 SOC 225 operating item for fiscal year 1987-88 (on page 31) and changed it to \$500,000, and stricken \$178,204 from Section 94 of the bill (on page 103).
- i. Reduced the \$182,114 SOC 225 operating item for fiscal year 1988-89 (on page 31) and changed it to 0, and stricken \$182,114 from Section 94 of the bill (on page 103).
- j. Reduced the \$4,433,241 GOV 602 operating item for fiscal year 1987-88 (on page 33) and changed it to \$4,393,241, and reduced the \$3,924,589 in Section 102 of the bill (on page 106) and changed it to \$3,884,589.
- k. Reduced the \$4,343,221 GOV 602 operating item for fiscal year 1988-89 (on page 33) and changed it to \$4,303,221, and reduced the \$3,891,890 in Section 102 of the bill (on page 106) and changed it to \$3,851,890.
- l. Reduced the \$851,766 HTH 151 operating item for fiscal year 1987-88 (on page 23) and changed it to \$801,766, and reduced the \$220,359 in Section 54 of the bill (on pages 88-89) and changed it to \$170,359.
- m. Reduced the \$18,571,312 HTH 401 operating item for fiscal year 1987-88 (on page 26) and changed it to \$18,106,312, and reduced the \$7,863,280 in Section 65 of the bill (on page 91) and changed it to \$7,398,280.
- n. Reduced the \$18,523,694 HTH 401 operating item for fiscal year 1988-89 (on page 26) and changed it to \$18,074,694 and reduced the \$8,167,376 in Section 65 of the bill (on pages 91-92) and changed it to \$7,718,376.
- o. Reduced the \$983,592 HTH 908 operating item for fiscal year 1987-88 (on page 29) and changed it to \$917,192, and reduced the \$125,573 in Section 84 of the bill (on page 99) and changed it to \$59,173.
- p. Reduced the \$991,821 HTH 908 operating item for fiscal year 1988-89 (on page 29) and changed it to \$929,421, and reduced the \$121,573 in Section 84 of the bill (on page 99) and changed it to \$59,173.
- q. Reduced the \$3,812,801 LBR 903 operating item for fiscal year 1987-88 (on page 12) and changed it to \$3,554,467, and stricken \$116,334 from Section 38 of the bill (on page 82), and reduced the \$2,877,584 in Section 39 of the bill and changed it to \$2,735,584.
- r. Reduced the \$3,680,114 LBR 903 operating item for fiscal year 1988-89 (on page 12) and changed it to \$3,531,114, and reduced the \$2,941,189 in Section 39 of the bill (on page 82) and changed it to \$2,792,189.
- s. Reduced the \$600,000 total funding for item 66 on page 226 to 0.
- t. Reduced the \$300,000 total funding for item 75 on page 231 to 0.
- u. Reduced the \$300,000 total funding for item 76 on page 231 to 0.
- v. Reduced the \$650,000 total funding for item 81 on page 233 to 0.
- w. Reduced the \$500,000 total funding for item 57 on page 222 to 0.
- x. Reduced the \$100,000 total funding for item 58 on page 222 to 0.
- y. Reduced the \$150,000 total funding for item 59 on page 223 to 0.
- z. Reduced the \$500,000 total funding for item 60 on page 223 to 0.

For the foregoing reasons, I am returning House Bill No. 2 with the reductions set forth above totalling \$2,334,938 for fiscal year 1987-88 for operating and totalling \$3,100,000 for fiscal year 1987-88 for capital improvements projects, and totalling \$1,182,514 for fiscal year 1988-89 for operating.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

ATTACHMENT A

VETO ITEMS

DEPARTMENT	ITEM	FY88 AMOUNT	FY89 AMOUNT
AGS	Hawaii Theater Restoration	250,000	0
AGS	Undesignated: Poets-in-School	10,000	10,000
AGS	Hawaiian Canoe Racing Association	100,000	0
DSSH	Pacific Housing Asst. Corp.	78,204	82,114
DSSH	Undes. Pos-Homeless Shelter	250,000	250,000
DSSH	Oahu Self-Help Housing Corp.	100,000	100,000
GOV	Carvalho Inc.	40,000	40,000
HTH	Waianae Comp. Hth. Center	85,000	85,000
HTH	Network Enterprises	150,000	189,000
HTH	Met. YMCA of Honolulu	55,000	0
HTH	Undes. Pos-Child Abuse	175,000	175,000
HTH	West Kauai Hawn. Hth. Education	66,400	62,400
HTH	Lupus Foundation	50,000	0
LBR	HI Community Action Program/Computer	41,334	0
LBR	Kihei Youth Center/Youth Program	42,000	44,000
LBR	HI Cty Economic Opportunity/Van Purchase	75,000	0
LBR	HI County Econ. Oppor. Agric. Trng. Pgm.	100,000	105,000

" P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, House Bill No. 2, entitled, "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", passed by the Legislature, was presented to the Governor within the aforementioned period;

WHEREAS, under Section 16 of Article III, the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes;

WHEREAS, House Bill No. 2 appropriates money for specific purposes; and

WHEREAS, certain appropriation items in House Bill No. 2 are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2 to the Legislature with my objections, as indicated, to

certain appropriation items listed therein, as provided by said Section 16 of Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 160 returning House Bill No. 4, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 4

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 4, entitled, 'A BILL FOR AN ACT RELATING TO THE ELECTIONS.'

The stated purpose of House Bill No. 4 is to create the criminal offense of 'election smearing' and to establish a 'Fair Campaign Practices Commission.'

The concept of a Fair Campaign Practices Commission is a sound one. The very existence of such a body would be a significant deterrent to unethical, misleading, inappropriate and unfair tactics utilized in a campaign, and would thus be beneficial to the election process. Voters have the right not to be exposed to falsehoods and unwarranted personal attacks on candidates cluding the true issues during a campaign. It should be the goal of both the government and the candidates to have elections decided on the merits and on nothing else.

To be effective, a Fair Campaign Practices Commission must be able to act quickly in reaching decisions on complaints of unfair campaign tactics. To achieve this, the Commission must be able to gather information and testimony so a decision can be reached in time to benefit the election process. This is what is envisioned in Section 3 of House Bill No. 4. The apparent intent is that the Commission would act swiftly, uninhibited by the normal judicial process, and disclose its results.

As noble as the intent of House Bill No. 4 is, however, the inclusion of Section 1 criminalizing 'Election Smearing' creates a serious and troublesome flaw. The balance between free speech and the candidates' rights is a delicate one. On the one hand, hard fought campaigns and open debate and comment are good for the election process. On the other hand, protection must be afforded the candidates so that the issues do not become clouded for the voter. Section 1 of House Bill No. 4, while attempting to afford protection to candidates through the fear of criminal penalties, could act to seriously inhibit free and frank campaigning, and thus would defeat the overall objective of having the voters make their decisions on all relevant facts.

In the original version of the bill submitted by the Lieutenant Governor, there were no criminal penalties. The intent was that the mere disclosure that a campaign tactic was found to have been unfair would be a sufficient deterrent, and that there would be no chilling effect on free and open speech. I agree. Criminalizing an unfair campaign statement or tactic could detrimentally affect the election process. With the possibility of criminal liability, information would probably be impossible to get by the Commission, and any information the Commission could get would most certainly not be with the speed

necessary for the Commission to act effectively. Moreover, from the prosecution standpoint, involvement by the Commission could possibly, and perhaps probably, jeopardize successful prosecution where witnesses may not have been afforded appropriate constitutional protections during the investigation by the Commission. Although the two sections of this bill were undoubtedly designed to compliment each other, the fact is they will work at cross purposes. The right of free speech and the need for open campaigning must outweigh any benefit that would be derived from creating a new crime of 'election smearing.'

For the foregoing reasons, I am returning House Bill No. 4 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

" P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 4, entitled, 'A BILL FOR AN ACT RELATING TO ELECTIONS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 4 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 4 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 161 returning House Bill No. 254, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 254

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 254, entitled, 'A BILL FOR AN ACT RELATING TO THE SHORELINE.'

The stated purpose of this bill is to establish a one-gallon limit for taking of sand, coral, or other beach materials for personal use, to permit the State or counties to undertake sand mining for the replenishment of public beaches, to eliminate State environmental projects in which governmental agencies clear sand from the mouths of drainage and stream channels, to prohibit the taking of sand and other materials from the Hakipu'u area, and to clarify the jurisdictional authority of the county governments within the shoreline setback area.

I concur with the purpose of House Bill No. 254, to clarify the jurisdiction between county agencies and the DLNR as it relates to the taking of sand, coral or coral rubble, rocks, soil or other beach or marine deposits from the shoreline area. The idea of clarifying the allowed exemptions for the taking of these materials as specified in Section 1 of the bill is desirable. Prohibiting the taking of these materials seaward of the shoreline except after obtaining a permit authorized under Section 183-41 is also reasonable.

In Section 3 of the bill, however, Chapter 188 is revised to prohibit the taking of live coral in water less than 150 feet in depth except with a permit authorized under Section 187A-6 and 183-41. It appears that only by satisfying both Sections 183-41 and 187A-6 can a permit be obtained for dredging in waters of less than 150 feet in depth. Section 187A-6 only allows for permits for taking aquatic life for scientific, educational or

propagation purposes. Since live coral frequently occurs in close proximity to the other materials covered in this bill, the bill seems to preclude any dredging in water less than 150 feet in depth except for scientific, educational or propagation purposes. This is an unreasonable prohibition that could greatly hinder the maintenance, improvement or development of the State's maritime facilities. This prohibition appears to be an unintended consequence of this bill.

For the foregoing reasons, I am returning House Bill No. 254 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 254, entitled, 'A BILL FOR AN ACT RELATING TO THE SHORELINE,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 254 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 254 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 162 returning House Bill No. 367, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 367

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 367, entitled, 'A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW.'

The purpose of House Bill No. 367 is to require that the dismissal or demotion of any civil service employee be for just and proper cause. This bill also specifies procedural requirements in order to effectuate the dismissal or demotion.

An inherent part of the just and proper cause standard is application of 'progressive discipline or a series of actions with increased adverse affect.' Imposition of progressive discipline usually requires more than the normal six months of probation, which each civil service employee must initially satisfactorily serve. Since House Bill No. 367 is applicable to all civil service employees, including probationary employees, these probationary employees would gain tenure simply because under the progressive discipline principle, the probationary period would expire. This would unduly restrict an appointing authority from justifiably dismissing a probationary employee, and render the existing distinction between probationary employees and members of the civil service meaningless. There would be no purpose for the statutorily fixed probation period specified in Section 76-27, Hawaii Revised Statutes.

For the foregoing reason, I am returning House Bill No. 367 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 367, entitled, 'A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 367 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 367 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 163 returning House Bill No. 371, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 371

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 371, entitled, 'A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING.'

There are three purposes for this

bill. First, the bill amends Section 89-6(c), Hawaii Revised Statutes, by changing the name of public employees bargaining unit 10 from 'non-professional' to 'institutional, health and correctional workers.' Second, the bill requires a hearing before the Hawaii Labor Relations Board for decertification petitions, filed on or after March 15, 1987. Currently, the Board's rules require a hearing on bargaining unit determination petitions, only if a Board investigation indicates a hearing is necessary. The hearing is intended to ensure that at least thirty percent of the unit sign the petition. Finally, the bill clarifies Section 89-9(d), Hawaii Revised Statutes, to permit public sector collective bargaining on the procedures relating to promotions, transfers, suspensions, demotions, discharges, and other disciplinary actions and layoffs.

There are a number of serious problems with this bill. First, the amendment to Section 89-7 does not differentiate between a 'representation' and a 'decertification' election. The former involves a possible change in the bargaining unit representative. The latter involves an election to decide whether to have any union representation at all. There is no apparent reason to require a hearing for decertification petitions, but not for representation petitions. The committee reports do not help in determining whether these procedures are applicable to all types of elections.

Second, House Bill No. 371 provides only for the negotiation of procedures relating to layoffs, suspensions, demotions, discharges, and other disciplinary actions. However, paradoxically, Conference Committee Reports on this bill state that the committee sought to 'allow bargaining on the substance as well as procedures' relating not only to layoffs, suspensions, demotions, discharges, and other disciplinary actions, but examinations, hiring, and promotions as well. If the language of the Conference Committee Reports were followed literally, it would imply that the Legislature intended to repeal these management rights, despite the bill's statutory language to the contrary. The problems very likely cannot be remedied by interpretation to the satisfaction of all concerned.

For the foregoing reasons, I am returning House Bill No. 371 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 371, entitled, 'A BILL FOR AN ACT RELATING COLLECTIVE BARGAINING,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 371 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 371 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 164 returning House Bill No. 380, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 380

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of

Hawaii, I am returning herewith, without my approval, House Bill No. 380, entitled, 'A BILL FOR AN ACT RELATING TO THE ENVIRONMENT.'

The stated purpose of House Bill No. 380 is to provide an administrative procedure by which any person may appeal a determination that an environmental impact statement (EIS) is or is not required, as an alternative to seeking judicial appeal.

It appears to be the Legislature's understanding that the only means, presently, of appealing a determination that an EIS is or is not required is by resort to judicial appeal. Contrary to such understanding, each agency is required to environmentally assess projects proposed to it as a part of the agency's permit procedures. Administrative appeals can be taken in accordance with each agency's administrative appeal procedures, and then appealed judicially as provided in Chapter 91, Hawaii Revised Statutes.

This bill engenders vagueness and ambiguity, as it is uncertain whether, and to what extent, an appeal to the Environmental Council is in lieu of or in addition to these existing agency appeal procedures.

Reference to 'judicial appeal under Section 343-7,' Hawaii Revised Statutes, causes uncertainty. Section 343-7 is a statute of limitations which limits the filing of legal actions concerning the determination that an EIS is or is not required to sixty days -- it is not an appeal process *per se*. Section 343-7 can be considered a judicial appeal process only to the extent that such a legal action, concerning the determination that an EIS is or is not required, would require the court to consider the administrative actions.

In addition, the bill may adversely affect the independent functioning of some agencies. It grants the Environmental Council unwarranted 'veto' power over other agencies. Further, under current law, some agencies must act on permit applications within a statutory prescribed time period. Despite the 30 day limitation placed in this version of this bill, it is nonetheless a time consuming process and this appeal could still endanger the ability of these agencies to act on permit applications within the statutorily prescribed time constraints, allowing permits to be granted without proper agency review merely as the result of lapse of time. This bill thus presents the potential disad-

vantages of multiple time consuming and expensive appeals.

For the foregoing reasons, I am returning House Bill No. 380 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 380, entitled, 'A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 380 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 380 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 165 returning House Bill No. 421, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 421

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 421, entitled, 'A BILL FOR AN ACT RELATING TO CONVEYANCES.'

The purposes of House Bill No. 421 are to increase efficiency in search of land titles, to reduce the cost of title searches through increased efficiency, and to provide for a uniform state-wide method of record search based on a parcel identifier system. This bill would require all deeds and other instruments recorded in the Bureau of Conveyances to identify the real property by its appropriate tax map key number.

In concept, House Bill No. 421 appears as a cost/time effective mechanism by which all deeds and instruments are recorded in the Bureau of Conveyances. On the contrary, the identification of this 'parcel identifier system' will, in essence, require a substantial amount of modification to the presently used data entry system. It is anticipated that such modification will require a substantial amount of moneys (no moneys were appropriated in this bill). It should be noted that tax map key numbers are subject to constant change due to subdivisions and consolidations. As a result, these 'numbers' would have to be correspondingly updated, substantially increasing the workload of not only the Bureau of Conveyances but also all county real property tax offices.

Further, this bill fails to address whether or not those documents which have been filed since 1843 with the Bureau would be subject to implementation of a tax map key number.

I believe that it would be in the best interest of the people of the State of Hawaii that this bill not be adopted at this time.

For the foregoing reasons, I am returning House Bill No. 421 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 421, entitled, 'A BILL FOR AN ACT RELATING TO CONVEYANCES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 421 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 421 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 166 returning House Bill No. 537, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 537

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 537, entitled, 'A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES.'

The stated purpose of House Bill

No. 537 is to repeal the provision allowing real property tax relief for losses resulting from certain natural disasters and thereby restrict tax relief only to general excise taxes.

The intent of this bill is to limit the financial responsibility of the State in times of natural disaster, and although from a strictly fiscal perspective this bill is sound, the practical result will be the elimination of tax relief for many of our citizens in times of natural disaster. With the only relief being from the general excise tax, citizens who are not engaged in business will not have any form of tax relief from the State.

For the foregoing reasons, I am returning House Bill No. 537 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 537, entitled, 'A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 537 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 537 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 167 returning House Bill No. 951, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 951

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 951, entitled, 'A BILL FOR AN ACT RELATING TO FORFEITURES.'

The purpose of this bill is to provide for the uniform disposition of property forfeited under Sections 329-55, 701-119, and 842-3, Hawaii Revised Statutes, and to add a new chapter to establish a criminal forfeiture fund, into which all forfeitures of money or other property ordered by the court pursuant to the above-cited sections will be placed and from which distributions will be made for the expenses of the proceedings for forfeiture and sale, with the balance to be allocated among the state and county law enforcement agencies involved in the investigation and prosecution of the case which resulted in the forfeiture.

Start-up funding necessary to implement the proposed forfeiture program has not been provided. Most importantly, this bill's enactment might be premature. A task force is already well into a study of the division of state and county functions and responsibilities. Criminal forfeiture is one of the issues which is being assessed. It would be prudent to defer approval of this bill until the task force has completed its study.

For the foregoing reasons, I am returning House Bill No. 951 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 951, entitled, 'A BILL FOR AN ACT RELATING TO FORFEITURES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 951 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 951 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 168 returning House Bill No. 1013, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1013

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1013, entitled, 'A BILL FOR AN ACT RELATING TO MATERIAL AND LABOR USED ON PUBLIC WORKS.'

The purpose of this bill is to amend

Section 507-17, Hawaii Revised Statutes, to require all persons who furnish labor or material for a public works project without an express or implied contract with the general contractor of the project and have not been paid, to provide written notice to the general contractor within ninety days of the date that the labor or material was last furnished.

The concern which prompted the Legislature's passage of this measure is a real one. General contractors who in good faith pay their subcontractors are oftentimes required to pay the same amount a second time when it turns out the subcontractor has not paid its suppliers. The unfairness of this situation is most obvious, and often occasioned because the contractor has no knowledge of whether the subcontractor has properly paid a supplier. It is the lack of knowledge that this bill seeks to remedy, and in turn remedy the unfair results that often occur.

However, the unpaid supplier is also an innocent party in such a situation, oftentimes not paid and having to resort to a lawsuit against the delinquent subcontractor, the contractor, and the bond. In most situations, the supplier of materials is the least able to afford such litigation, and is also perhaps less sophisticated in business and legal matters than the others involved.

This bill appears to attach a condition precedent to a supplier's right to sue -- the ninety day notice which the supplier must give to the general contractor of a public works project. Apparently, if this notice is not given, the supplier is left without legal remedy.

Unfortunately, this is just the type of extra step that could easily be overlooked by a small business, which would be least prepared to lose its legal rights to be paid. If this bill had mandated that either the general contractor or the subcontractor dealing with the supplier must inform the supplier of the ninety day notice requirement, I would have been inclined to approve this bill. However, this bill could result in severe injustice to small business because of its technical nature, and it could result in abuses to small businesses, those who are least able to afford such a loss.

For the foregoing reasons, I am returning House Bill No. 1013 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1013, entitled, 'A BILL FOR AN ACT RELATING TO MATERIALS AND LABOR USED ON PUBLIC WORKS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1013 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1013 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 169 returning House Bill No. 1336, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1336

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III

of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1336, entitled, 'A BILL FOR AN ACT RELATING TO WILLS.'

The purpose of this bill is to require that every will shall have affixed to it the name of the preparer of the will, the attorney's code number, if applicable, and the preparer's address and telephone number. The stated underlying rationale is that the requirement will encourage more careful preparation of wills, because persons seeking to contest the accuracy of a will are going to be able to easily identify who prepared the will.

However, neither the bill nor the pertinent legislative committee reports mention the intended consequences of a failure to identify the preparer of a will. The silence as to the consequences of the failure to identify the preparer of a will may result in wills being contested merely because the preparer failed to affix the required information. If the will is deemed invalid, the testator's intentions and dispositions will be frustrated by a technical requirement that has nothing to do with the substantive content of the will.

In view of the possible harsh consequences that could result from the failure to affix the required information about the preparer of a will, I believe that the bill should have expressly provided for the possible violation of the new requirements imposed by this bill. Preferably, the preparer of the will, not the testator, should suffer the consequences of a violation of the new requirements.

For the foregoing reasons, I am returning House Bill No. 1336 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the

Legislature; and

WHEREAS, House Bill No. 1336, entitled, 'A BILL FOR AN ACT RELATING TO WILLS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1336 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1336 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 170 returning House Bill No. 1469 with all appropriations stricken from Section 1 of the bill (pages 1 thru 8), with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1469

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1469, entitled, 'A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR.'

The purpose of this bill is to appropriate money to satisfy certain claims for refunds, reimbursements, payments of judgments or settlements or other payments recommended to be made by the Department of the Attorney General.

To accommodate the request of the Department of the Attorney General to include an additional settlement agreed upon toward the end of the Regular Session of 1987, the Legislature passed both this bill and its companion, Senate Bill No. 1735, with the understanding that I would item veto appropriations to prevent enactment of duplicate appropriations. This bill and Senate Bill No. 1735, are almost identical, except that Senate Bill No. 1735 funds one additional case, DOE v. Mr. and Mrs. A., that House Bill No. 1469 does not, and except that only House Bill No. 1469 can properly fund the settlement of the Moseman Construction Company v. State case because the bond authorization bill, House Bill No. 141, entitled, 'A BILL FOR AN ACT RELATING TO STATE BONDS,' refers only to House Bill No. 1469.

To fund all the cases without duplication, I object to all the appropriations in Sections 1 through 4 of House Bill No. 1469, and, in a separate statement of objections, I will object to the appropriation in Section 5 of Senate Bill No. 1735. The House Bill No. 1469 will thus appropriate the money for the Moseman settlement in conjunction with the bond authorization bill, and Senate Bill No. 1735 will fund all remaining claims and cases without duplication of appropriations.

For the foregoing reasons, I am returning House Bill No. 1469, with all of the appropriations stricken from Sections 1 through 4 of the bill (pages 1 through 8).

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

**"P R O C L A M A T I O N**

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1469, entitled, 'A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR,' passed by the

Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes;

WHEREAS, House Bill No. 1469 appropriates money for specific purposes; and

WHEREAS, certain appropriation items in House Bill No. 1469 are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1469 to the Legislature with my objections, as indicated, to certain appropriation items listed therein, as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 171 returning House Bill No. 1726, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1726

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1726, entitled, 'A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION.'

While the aim of House Bill No. 1726 was to reexamine the balance struck between gun control regulation in this State, and a citizen's right to bear arms, there have been strong con-

cerns expressed by several arms of State and County government to the language contained in certain parts of the bill.

If there is a successful challenge to House Bill No. 1726 based on these concerns, the possibility exists that the State of Hawaii will be without any gun control legislation. Rather than expose our State to that risk, I am returning House Bill No. 1726 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1726, entitled, 'A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1726 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1726 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 172 returning House Bill No. 1907, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1907

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1907, entitled, 'A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS.'

The stated purpose of House Bill No. 1907 is to require the regulation and licensure of private civil process servers, to exempt certain persons deputized as sheriffs on the effective date of the bill, and to set process fees set out in Section 607-8, Hawaii Revised Statutes.

This bill presents three significant and fatal problems. First, the bill violates the 'one subject which corresponds to the bill's title' requirement of the State Constitution, in that it clearly concerns matters other than the service of process. Second, the bill contradicts Section 1 of S.B. No. 1068 which suggests there can only be three sheriffs; the sheriff and first and second deputy. Third, the bill is silent as to interim procedures before private process servers can be licensed, during which time the inability of private process servers to serve civil process could have a significant detrimental impact on the civil court system in the State of Hawaii.

For the foregoing reasons, I am returning House Bill No. 1907 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the

Legislature; and

WHEREAS, House Bill No. 1907, entitled, 'A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1907 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1907 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 173 transmitting his statement of objections to Senate Bill No. 348, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 348

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 348, entitled, 'A BILL FOR AN ACT RELATING TO RESPIRATORY CARE SERVICES.'

The purpose of Senate Bill No. 348 is to add a new part to Chapter 453, Hawaii Revised Statutes, to limit the practice of respiratory therapy by respiratory care practitioners to those individuals who 'meet the standards of the national commission for health certifying agency or its successor organization.'

However, I understand that the

National Commission for Health Certifying Agency establishes the standards for other agencies who certify health professionals. Consequently, no individual desiring to practice respiratory therapy can 'meet the standards of the national commission for health certifying agency or its successor organization' because the standards are applicable to a health certifying agency (i.e., National Board for Respiratory Care) and not the individual. Accordingly, Senate Bill No. 348 is unconstitutionally vague by not providing specific and unambiguous standards upon which an individual will be able to determine how to comply with the law.

For the foregoing reason, I am returning Senate Bill No. 348 without my approval.

Respectfully,

/s/ John Waihee

JOHN Waihee  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 348, entitled, 'A BILL FOR AN ACT RELATING TO RESPIRATORY CARE SERVICES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 348 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 348 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 174 transmitting his statement of objections to Senate Bill No. 349, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 349

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 349, entitled, 'A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH.'

The purpose of Senate Bill No. 349 is to amend Section 26-13, Hawaii Revised Statutes, to require that the Director of Health have certain health-related qualifications. Specifically, the bill provides that the Director of Health must 'have a professional health background and full time experience of at least five years in community health care, public health administration, or related experience.'

From a policy viewpoint, this bill raises a number of serious questions.

To begin with, the bill runs contrary to a tradition in Hawaii, which is to have no rigid statutory qualifications for the Director of Health.

The Hawaii Board of Health is the oldest anywhere in the United States. When it was created in 1851, there were no statutory qualifications for the position of president of the board, the forerunner of the Director of Health. None were thought necessary. Not until a century later, did the Legislature mandate health-related qualifications for the position. Act 292 of the Session Laws of Hawaii 1951 provided:

The president shall be a person who (1) has been or is eligible to be certified by the American Board of Preventive Medicine and Public Health, Incorporated, or (2) is (a) licensed to practice as a doctor of

medicine or osteopathy in the territory and has successfully completed at least one year of graduate study leading to a degree in public health, and (b) has had, during the ten years next preceding his consideration for appointment, at least six years of practical experience in public health work, including supervision or administration of such work, in communities of not less than 50,000 population, or in the United States Public Health Service as a commissioned medical officer.

Standing Committee Report No. 113 of the Senate Committee on Health on the bill that became Act 292 explained:

The purpose of this bill is to provide for the qualifications of the president of the board of health. Under existing law the president need not be a doctor of medicine licensed to practice in the Territory. Other qualifications are set forth which this Committee feels will insure that a well qualified man shall act as president of the board.

Act 292 was in force and effect from 1951 until its repeal in 1974 by Act 252 of the Session Laws of Hawaii 1974.

The reasons for the repeal are illuminating. The major reason was the belief that rigid statutory qualifications for the position of Director of Health were too restrictive and sometimes did not result in the appointment of the best qualified persons. Standing Committee Report No. 50 of the Senate Committee on Health, 1973 Senate Journal at 673, said: 'Your Committee believes that present requirements for the position of director restrict the choice to a narrow handful of persons and eliminate a larger group otherwise fully qualified to carry on this largely administrative task.' Standing Committee Report No. 469-74 of the House Committee on Public Health and Welfare, 1974 House Journal at 740-741, reported that 'under the present statutory requirements, very few persons in the State qualify for the position of director of health.' The same committee went on to say:

Your Committee feels that by amending the law to eliminate the present qualifications, more persons would be eligible for the position of director of health providing the appointing authority with a larger field from which to choose and the flexibility to make an appropriate

choice. This would, in part, assure the department and the State of a qualified, responsive appointment to the position of director of health.

Thus, the tradition in Hawaii from 1851 has been to have no rigid statutory qualifications for Hawaii's top health officer. The only deviation from tradition was the period 1951 to 1974, which, significantly, ended in repeal of the statutory qualifications.

It should be pointed out that many mainland states do not have statutory qualifications for their top health officers. These states include California (Director of Health Services), Maryland (Secretary of Health and Mental Hygiene), Nebraska (Director of Health), South Dakota (Secretary of Health), Kansas (Secretary of Health and Environment), Delaware (Secretary of the Department of Health and Human Services), Idaho (Director of Health and Welfare), and Alaska (Commissioner of Health and Social Services).

Also, it should be pointed out that the powers and duties of the Hawaii Director of Health do not require the Director to personally treat patients and diagnose illness. The Director has a well-trained staff to do those duties -- and the Department of Health is the second largest department of state government in terms of numbers of personnel. What is needed is a good, capable, firm administrator at the top who is able to run a large department of state government. This was alluded to in 1973 when the Senate Committee on Health noted that the position of Director of Health is a 'largely administrative task.' While it is certainly desirable for the appointing authority to consider the public health background of applicants for Director of Health, it should by no means be the sole or a statutory requirement for the position. That much tradition and experience have taught us.

For the foregoing reasons, I am returning Senate Bill No. 349 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of

Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 349, entitled, 'A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 349 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 349 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 175 transmitting his statement of objections to Senate Bill No. 481, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 481

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 481, entitled, 'A BILL FOR AN ACT RELATING TO GEOTHERMAL MINING LEASES.'

The purposes of Senate Bill No. 481 are to give to surface owner or his assignee the first right of refusal for

a mining lease and to authorize the issuance of a geothermal mining lease for lands not within a geothermal resource subzone if the lands are contiguous to the subzone and under a common ownership.

The issuance of such a lease for lands not within a subzone would be premature without going through the process of subzone designation which requires consideration of various factors such as geological hazards, social and economic impacts, compatibility with surrounding lands, etc. The issuance of such a lease would, therefore, create a presumption that the lands would meet all the criteria of subzone designation.

For the foregoing reasons, I am returning Senate Bill No. 481 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 481, entitled, 'A BILL FOR AN ACT RELATING TO GEOTHERMAL MINING LEASES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 481 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 481 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 176 transmitting his statement of objections to Senate Bill No. 518, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 518

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 518, entitled, 'A BILL FOR AN ACT RELATING TO HEALTH INSURANCE.'

The stated purpose of Senate Bill No. 518 is to require health insurance companies and medical service corporation contracts to offer health care insurance coverage for child health supervision services from the moment of birth through age five years.

Despite the intent of this bill there are defects in it that may defeat the intent and cause significant problems for affected health care providers. First, this type of insurance is generally available already. This bill would require those insurers that do not offer this coverage to start offering optimal policies and some insurers may have to expand their coverage to meet the requirements of the bill. As an optional coverage, those electing to take the coverage would pay a higher premium; therefore, the additional cost of the policy would be borne by those electing to take the coverage. The intended desire of expanding coverage may therefore not be accomplished.

In addition I tend to sign Senate Bill No. 815 which requires an impact assessment of all proposed mandated health benefits. Child health supervision services is specifically required as a part of this bill to be reviewed by the Legislative Auditor prior to the 1988 Legislature. It is therefore unnecessary to require such a benefit to be offered as an option now.

For the foregoing reasons, I am returning Senate Bill No. 518 without

my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 518, entitled, 'A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 518 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 518 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 177 transmitting his statement of objections to Senate Bill No. 559, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 559

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 559, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC LANDS.'

The purpose of Senate Bill No. 559 is to grant long-term leases to current permittees of State agricultural land (other than agricultural park lands) in Waimanalo without recourse to public auction so long as the permittee qualifies as a bona fide farmer under Section 171-68(a)92(3), Hawaii Revised Statutes.

While concerns of permittees regarding the uncertainty of their status on State agricultural land in Waimanalo is certainly understandable, this bill is not the proper remedy. There are clearly compelling arguments that the permittees should be afforded a remedy, but a remedy such as the one sought by this bill should be made on a statewide, and not a piecemeal, basis.

In addition, this bill allows lessees to renegotiate existing leases contrary to existing law. Again, while the concerns of the present lessees is understandable, the remedy sought in this bill is piecemeal and unsound from the perspective of statewide policy.

For the foregoing reasons, I am returning Senate Bill No. 559 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 559, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC LANDS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 559 is unacceptable to the Governor of the

State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 559 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 178 transmitting his statement of objections to Senate Bill No. 583, which he has returned to the Senate without his approval, as follows:

#### "STATE OF HAWAII EXECUTIVE CHAMBERS

June 22, 1987

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 583

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 583, entitled, 'A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FINES AND FORFEITURES.'

The purpose of Senate Bill No. 583 is to amend Section 143-19, Hawaii Revised Statutes, to allow the respective counties to receive fifty percent of all penalties paid for dog license and control violations as partial compensation for the expenses incurred by the counties in enforcing Chapter 143, which is entitled, 'Dogs: Licenses and Regulations.'

This bill would put into place an allocation of revenue which would not be cost effective. Currently, it is estimated that the annual revenue from dog license and control violations is \$21,000. It would cost considerably more to implement the revenue sharing called for by the bill. The bill is silent as to whether it is the judiciary or the executive branch which is to be responsible for making

the disbursements to the county. If it is the latter, the funds would be deposited in the general fund of the State and would have to be appropriated annually to the counties and be counted toward the expenditure ceiling. It would be more efficient if the law could be read to authorize the judiciary to make the payments to the counties. But even under such an interpretation, the revenue sharing would not be cost effective. A special accounting mechanism would be required to administer the bill and it would require between six to eight months to modify the judiciary's accounting system in order to capture data necessary to make accurate disbursements to the counties.

Moreover, I have appointed a task force to study the issues of State and county responsibilities in order to allocate functions on a rational and efficient basis. I believe the revenue allocation made by Senate Bill No. 583 should be deferred so that the subject matter of the bill may be considered by the task force.

For the foregoing reasons, I am returning Senate Bill No. 583 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

" P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 583, entitled, 'A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FINES AND FORFEITURES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 583 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Con-

stitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 583 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 179 transmitting his statement of objections to Senate Bill No. 634, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 634

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 634, entitled, 'A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING.'

The stated purpose of Senate Bill No. 634 is to include half-time teachers and other Department of Education personnel subject to teacher salary schedule to be included in bargaining Unit 5 and to confer Civil Service status on personnel in bargaining Unit 13 hired by the Department of Education in response to the Education For All Handicapped Children Act, Pub. L. No. 94-142.

Despite the worthy intent of this bill, no appropriation was made for its implementation. The financial impact of this bill on the State would be significant, conservatively an estimate of \$1.8 million.

For the foregoing reasons, I am returning Senate Bill No. 634 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 634, entitled, 'A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 634 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 634 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 180 transmitting his statement of objections to Senate Bill No. 767, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 767

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 767, entitled, 'A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS.'

The purpose of Senate Bill No. 767 is to specify that service as a circuit court or higher court judge or justice is a minimum qualification or a prerequisite for serving as the Administrative Director of the Courts.

Section 6 of Article VI of the State Constitution establishes the Office of the Administrative Director of the Courts. The section provides:

The Chief Justice of the Supreme Court shall be the administrative head of the courts. The Chief Justice may assign judges from one circuit to another for temporary service. With the approval of the Supreme Court, the Chief Justice shall appoint an administrative director to serve at the Chief Justice's pleasure.

The constitutional history to Section 6 indicates that drafters of our Constitution created the Office of Administrative Director of the Courts to assist the Chief Justice in discharging his duties as the head of a unified court system. It reiterates that the Administrative Director is to be appointed by the Chief Justice, and serve at the Chief Justice's pleasure. It also specifies that '[n]o attempt is made to define the duties of the administrative director since those are well-understood by the courts.' Standing Committee Report No. 37, I Proceedings of the Constitutional Convention of Hawaii 173-75 (1950).

Substantial authority established by the courts exists to support the proposition that a Legislature, unless expressly authorized to do so, has no power to require additional or different qualifications for a constitutionally established office. Although Hawaii's Constitution does not itself specify the qualifications for the Office of the Administrative Director of the Courts which it establishes, nor specifically precludes the Legislature from enacting such qualifications, the constitutional history does suggest that the courts, not the Legislature, should set those qualifications.

An accompanying committee report indicates that this bill was passed by the Legislature to implement a recommendation included at pages 3 and 4 of the executive summary to the report of the consultants to the Hawaii Commission on Judicial Administration, dated March 20, 1986, which had been commissioned by the Citizens' Panel on Judicial Administration in the State of Hawaii. In its

report, also dated March 20, 1986, the Citizens' Panel reiterated the consultants' recommendation, and also recommended the immediate appointment of a former circuit or higher court judge or justice to serve as Administrative Director of the Courts while legislation to statutorily effect that result was formulated. The consultants to the Citizens' Panel were recommended to the panel by the Institute of Judicial Administration, a nonprofit corporation founded in 1952 which has an established international reputation for providing assistance in areas relating to judicial administration, modernization, reform, and education.

It is not evident from the reports which were furnished to the Judiciary and the Legislature whether the constitutional concern outlined above was considered in formulating the particular recommendation which this bill seeks to implement. Although a rationale to support the bill's constitutionality could probably be advanced, in my opinion, enactment of this bill would do violence to the basic doctrine of separation of powers underlying our State Constitution.

For the foregoing reasons, I am returning Senate Bill No. 767 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 767, entitled, 'A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 767 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of

Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 767 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 181 transmitting his statement of objections to Senate Bill No. 792, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 792

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 792, entitled, 'A BILL FOR AN ACT RELATING TO COMPENSATION FOR CRIMINAL INJURIES.'

There are two problems with this bill. The first problem is a drafting error. Section 3 of the bill states that Section 351-32, Hawaii Revised Statutes, is amended, to read as set forth, but the number and title of Section 351-31 are set forth with the body of Section 351-32. Although Section 351-32 is technically amended to read as set forth with the wrong section number and title, the substantive amendments are clearly set forth.

The second problem with the bill is more substantive. Section 3 of the bill adds the crimes of negligent homicide in the first and second degrees to the list of crimes for which compensation may be paid. These crimes are defined in Sections 707-703(1) and 707-704(1), Hawaii Revised Statutes, as the killing of another person 'by the operation of a vehicle' in a negligent or simply

negligent manner.

The bill does not expressly repeal Section 351-32(b), which provides as follows:

(b) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime, unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft.

The addition of negligent homicide is irreconcilable with the provision that operation of a motor vehicle, boat, or aircraft that results in injury or death is not a crime for the purposes of Part III of Chapter 351. The use of a vehicle is a necessary element of negligent homicide.

Furthermore, the addition of negligent homicide will be a great burden on the time and budget of the Criminal Injuries Compensation Commission. This will complicate the concept of compensating innocent victims of crimes with the mass of problems created by automobile accidents and personal injury litigation. Since there is usually no-fault insurance available in excess of the \$10,000 limit on the Commission's awards, there does not appear to be a need to provide the relief of a Commission award.

For the foregoing reasons, I am returning Senate Bill No. 792 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 792, entitled, 'A BILL FOR AN ACT RELATING TO COMPENSATION FOR CRIMINAL INJURIES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 792 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 792 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 182 transmitting his statement of objections to Senate Bill No. 1068, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 1068

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1068, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS OR EMPLOYEES.'

The purposes of Senate Bill No. 1068 are: (1) to temporarily transfer the Office of the Sheriff from the Judiciary to the Department of the Attorney General from the date of approval of the bill until June 30, 1988, when the Office of the Sheriff is to be transferred back to the Judiciary, and (2) to establish executive personal security officer positions within the Office of the Governor and the Office of the Lieutenant Governor, which could be filled without regard to Chapter 76, Hawaii Revised Statutes, by the Governor and the Lieutenant Governor, respectively.

In addition to being ambiguous in several respects, i.e. impliedly re-

pealing a part of Section 28-11(b), Hawaii Revised Statutes, including seemingly redundant provisions, adding sections to the Hawaii Revised Statutes which appear to be surplusage in light of other general transfer of functions and personnel provisions of the bill, and lack of clarity as to who between the Department of the Attorney General and the Judiciary will be required to provide security services for the courts while the Office of the Sheriff is subject to the supervision of the Attorney General, Senate Bill No. 1068 imposes extreme administrative burdens upon the Department of the Attorney General and the Judiciary without any particular financial or staff support or assistance.

It is clear from the accompanying committee reports that the Legislature expects the Attorney General to actively supervise and control the management and operation of the Sheriff's Office while it is a part of the Department of the Attorney General, albeit for only a limited period of time. This bill makes the Attorney General responsible for the Office of the Sheriff to 'allow the Legislature to review the effect of [the] legislation and find a permanent placement for the sheriff's office,' without any additional resources to assist the Attorney General in fulfilling this increased responsibility.

Throughout the legislative session, the Attorney General and other members of my Administration testified against allocating functions to the Department of the Attorney General which would distract and hinder it from improving its legal representation of the State.

I cannot help concluding that the additional responsibilities may seriously detract from the Attorney General's primary mission.

For the foregoing reason, I am returning Senate Bill No. 1068 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his

objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1068, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS OR EMPLOYEES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1068 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1068 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 183 transmitting his statement of objections to Senate Bill No. 1176, with he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1176

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1176, entitled, 'A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING.'

The purpose of Senate Bill No. 1176 is to permit the Board of Education, the employer of teachers, and the exclusive representative of teachers to negotiate matters relating to the classification and salary ranges of teachers.

Under our present collective bargaining in public employment law, Chapter 89, Hawaii Revised Statutes, matters relating to classification and reclassification, and the salary ranges for positions included in collective bargaining are not subjects which may be negotiated by the exclusive representatives of employees and their employers. This bill would carve out a limited exception to this prohibition. By its provisions, teachers, through their exclusive representative, could require their employer, the Board of Education, to relinquish what has been a management prerogative and negotiate with them on matters relating to these subjects.

Because the bill and its accompanying legislative committee reports do not elaborate or provide a basis for the exception from the collective bargaining limitation which teachers will enjoy, some question as to the bill's constitutionality vis-a-vis the equal protection clauses of the state and federal constitutions may arise. Although distinctions clearly may be made amongst persons who are similarly situated without violating equal protection, under the circumstances presented by this bill, it is difficult for me to understand the necessity for the exception which this bill makes. The stated underlying policies of our public sector collective bargaining law is 'to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government.' I am not convinced that the exception for teachers which this bill makes is conducive to achieving that desired harmony and cooperation.

For the foregoing reason, I am returning Senate Bill No. 1176 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1176, entitled, 'A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1176 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1176 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 184 transmitting his statement of objections to Senate Bill No. 1325, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1325

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1325, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC LANDS.'

The stated purpose of Senate Bill No. 1325 is to authorize, for a period of one year up to July 1, 1988, the amendment of any use restriction in existing state hotel or resort leases.

While the purpose of Senate Bill No. 1325 is to allow the amendment of use restriction in hotel and resort leases, the limitation that this would apply only to leases in existence twenty years or more, and that the time for the amendment of said leases is only for a period of one year, makes this

bill so narrow as to defeat its stated purpose.

For the foregoing reasons, I am returning Senate Bill No. 1325 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1325, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC LANDS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1325 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1325 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 185 transmitting his statement of objections to Senate Bill No. 1367, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1367

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1367, entitled, 'A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS.'

The stated purpose of Senate Bill No. 1367 is to increase the monthly retirement allowance for pensioners and persons who are receiving retirement benefits from the Employees' Retirement System on June 30, 1987, and retired prior to July 1, 1982, with at least ten years of credited service.

Despite this stated purpose, the bill amends Section 88-11, Hawaii Revised Statutes, to require the Employees' Retirement System to retroactively supplement the monthly retirement payments it had already made to these individuals on or after July 1, 1980, and continue making payments at this increased level after July 1, 1987, without including an appropriation sufficient to implement the bill's literal requirements. Further, by operation this bill would reach the anomalous result of entitling deceased persons to a pensioner's bonus, a result clearly unintended by the Legislature, and one that could result in a significant financial impact to the State of Hawaii.

In light of these discrepancies, and despite the worthy purpose of this bill, I have no choice but to return Senate Bill No. 1367 without my approval.

Respectfully submitted,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1367,

entitled, 'A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1367 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1367 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 186 transmitting his statement of objections to Senate Bill No. 1388, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1388

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1388, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES.'

The purpose of Senate Bill No. 1388 is to expressly mandate that the construction as well as the administration of civil service (Chapter 76, Hawaii Revised Statutes) and compensation (Chapter 77, Hawaii Revised Statutes) statutes be uniform for the State and the various counties.

While I strongly support the intent of Senate Bill No. 1388 to provide statewide uniformity in the application of Chapters 76 and 77, Hawaii Revised Statutes, because of the recent

decision of *Gibb v. Spiker*, 68 Haw.         , 718 p.2d 1076 (1986) by the Hawaii Supreme Court, the City and County of Honolulu would not be affected by this legislation, and thus the intent for uniformity would not be achieved.

For the foregoing reasons, I am returning Senate Bill No. 1388 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1388, entitled, 'A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1388 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1388 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 187 transmitting his statement of objections to Senate Bill No. 1472, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1472

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1472, entitled, 'A BILL FOR AN ACT RELATING TO TRUST ADMINISTRATION.'

The apparent purpose of Senate Bill No. 1472 is to eliminate common-law limitations on claims and recoveries in actions by beneficiaries of non-eleemosynary trusts against trustees. The bill does so by deleting key words from the title of Section 560:7-306, Hawaii Revised Statutes, and by adding to that section language exempting eleemosynary trusts from the scope of the statute.

The bill is subject to an equal protection attack in the distinction it draws between eleemosynary and non-eleemosynary trusts. More importantly, however, the consequence of this bill on the availability of trust services in Hawaii, in light of the added risks in acting as trustee, needs to be carefully analyzed.

For the foregoing reasons, I am returning Senate Bill No. 1472 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1472, entitled, 'A BILL FOR AN ACT RELATING TO TRUST ADMINISTRATION,' passed by the Legislature,

was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1472 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1472 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 188 transmitting his statement of objections to Senate Bill No. 1735 with the \$2,640,000 appropriation stricken from Section 5 of the bill (on page 9), which he has returned to the Senate, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1735

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, Senate Bill No. 1735, entitled, 'A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR.'

The purpose of this bill is to appropriate money to satisfy certain claims for refunds, reimbursements, payments of judgments or settlements or other payments recommended to be made by the Department of the Attorney General.

To accommodate the request of the Department of the Attorney General to include an additional settlement agreed upon toward the end of the Regular Session of 1987, the Legislature passed both this bill and its

companion. House Bill No. 1469, with the understanding that I would item veto appropriations to prevent enactment of duplicate appropriations. This bill and House Bill No. 1469, are almost identical, except that Senate Bill No. 1735 funds one additional case, DOE v. Mr. and Mrs. A., that House Bill No. 1469 does not, and except that only House Bill No. 1469 can properly fund the settlement of the Moseman Construction Company vs. State case, because the bond authorization bill, House Bill No. 141, entitled, 'A BILL FOR AN ACT RELATING TO STATE BONDS,' refers only to House Bill No. 1469.

To fund all the cases without duplication, I object to the appropriation in Section 5 of Senate Bill No. 1735 and, in a separate statement of objections, I will object to all of the appropriations in Sections 1 through 4 of House Bill No. 1469. House Bill No. 1469 will thus appropriate the money for the Moseman settlement in conjunction with the bond authorization bill, and Senate Bill No. 1735 will fund all remaining claims and cases without duplication of appropriations.

For the foregoing reasons, I am returning Senate Bill No. 1735, with the appropriation stricken from Section 5 of the bill (page 9).

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1735, entitled, 'A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III the Governor may veto or reduce any specific item or items in

any bill which appropriates money for specific purposes;

WHEREAS, Senate Bill No. 1735 appropriates money for specific purposes; and

WHEREAS, certain appropriation items in Senate Bill No. 1735 are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1735 to the Legislature with my objections, as indicated, to certain appropriation items listed therein, as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 189 transmitting his statement of objections to Senate Bill No. 1752, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1752

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1752, entitled, 'A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.'

The purpose of this bill is to authorize the Board of Regents of the University of Hawaii to (1) manage the inventory, equipment, surplus property, and expenditures of the University and (2) to adopt rules for the control of those matters.

Senate Bill No. 1752 is identical in all respects to House Bill No. 1520. Since I approved House Bill No. 1520

on April 22, 1987, and it is already in effect as Act 16, there is no need to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1752 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1752, entitled, 'A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1752 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1752 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 190 transmitting his statement of objections to Senate Bill No. 1757, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 22, 1987

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1757

Honorable Members  
Fourteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1757, entitled, 'A BILL FOR AN ACT RELATING TO CAPITAL LOAN PROGRAM.'

The purpose of Senate Bill No. 1757 is to increase the maximum amount available for a loan under the Capital Loan Program from \$250,000 to \$1,000,000 by amending Section 210-6, Hawaii Revised Statutes.

However, Senate Bill No. 1757 is substantially identical to House Bill No. 1502, which was also passed by the Legislature during the Regular Session of 1987. Since I intend to approve House Bill No. 1502, which will accomplish the purpose of Senate Bill No. 1757, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1757 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1757, entitled, 'A BILL FOR AN ACT RELATING TO CAPITAL LOAN PROGRAM,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1757 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of

Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1757 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1987.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 191 transmitting copies of a report entitled: "Coastal States and the U.S. Exclusive Economic Zone," prepared by the Coastal States Organization which presents findings and conclusions of interest to Hawaii regarding the role of the coastal states in managing the resources of America's Exclusive Economic Zone.

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 6 from Mack H. Hamada, Chairperson, Hawaii Labor Relations Board, transmitting copies of HLRB Informational Bulletin No. 24 which provides, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by Section 89-6(a), Hawaii Revised Statutes, prepared by the Hawaii Labor Relations Board.

Dept. Com. No. 7 from Albert J. Simone, President, University of Hawaii, acknowledging receipt of H.R. No. 193, requesting the Department of Health to assess their capability of staff and facilities to monitor the unintentional and deliberate release of genetically modified organisms into the environment.

Dept. Com. No. 8 from Albert J. Simone, President, University of Hawaii, acknowledging receipt of H.C.R. No. 173, requesting the Department of Health to test dispersants, develop recommendations on stockpiling dispersants best suited for Hawaiian waters and establish more efficient operating procedures in the event of an oil spill.

Dept. Com. No. 9 from Albert J. Simone, President, University of Hawaii, acknowledging receipt of the following: H.R. No. 65, requesting progress in the development of alternate energy sources in Hawaii; H.R. No. 112, requesting the University of Hawaii and the Department of Land and Natural Resources to study the need for postsecondary education in West Hawaii and, if appropriate, to identify a site for a higher education facility; H.C.R. No. 207, requesting a study of educational programs in maritime-related fields; H.C.R. No. 225, requesting that Hawaii's congressional delegation support the restoration of federal funds for continued operation of the newly established regional aquaculture centers program in the United States Department of Agriculture; H.C.R. No. 238, requesting a study of the feasibility of developing a Hawaii oceanbook; H.R. No. 295, expressing legislative support for the efforts by the Department of Education to estab-

lish Hawaiian medium classes in elementary schools; H.R. No. 401, requesting a study of the feasibility of developing a Hawaii oceanbook; H.R. No. 103, urging the Board of Regents to consider establishing a permanent campus for West Oahu College; and H.R. No. 108, requesting the Department of Education and the University of Hawaii to conduct a joint study of adult education efforts.

Dept. Com. No. 10 from the Honorable Herman Lum, Chief Justice, Supreme Court of Hawaii, informing the House that he has appointed Matthew S. Goodbody, Supreme Court Staff Attorney, as the representative of the Judiciary to the ad hoc committee to review the current use of private-appointed counsel in criminal cases involving conflicts and the possible creation of a second public defender program, pursuant to H.R. No. 21, Regular Session of 1987.

Dept. Com. No. 11 from Albert J. Simone, President, University of Hawaii, acknowledging receipt of the following: H.C.R. No. 36, requesting progress in the development of alternate energy sources in Hawaii; H.R. No. 220, requesting the University of Hawaii to report on its strategy to alleviate the shortage of nurses in Hawaii; H.R. No. 260, requesting the Legislative Reference Bureau to study the state of small business in Hawaii; and H.R. No. 345, requesting a study of educational programs in maritime-related fields.

Dept. Com. No. 12 from Albert J. Simone, President, University of Hawaii, acknowledging receipt of H.R. No. 442, requesting the President of the University of Hawaii to arrange a meeting to discuss education policy with Dr. John I. Goodlad, and the leadership of the State House of Representatives, and the Chairman of the House Education Committee.

Dept. Com. No. 13 from Rachel Odo, Chairman, State Student Conference, Department of Education, transmitting copies of the proceedings of the 1987 Hawaii State Student Conference.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 5 from T.T. Matteson, Rear Admiral, U.S. Coast Guard, acknowledging receipt of a copy of House Resolution No. 300, commemorating the election of William C. Harr as the National Commodore of the United States Coast Guard Auxiliary.

Misc. Com. No. 6 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 121, requesting Congress to modify the Medicaid statute to insure that families whose spouses must be institutionalized are not driven to bankruptcy.

Misc. Com. No. 7 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of a copy of resolution relating to Crater Hill.

Misc. Com. No. 8 from the Honorable Frank F. Fasi, Mayor, City and County of Honolulu, acknowledging receipt of a copy of House Resolution No. 496, congratulating Hawaiian Electric Company and the Tracks Beach Lease.

Misc. Com. No. 9 from Jeremy Harris, Managing Director, City and County of Honolulu, acknowledging receipt of House Resolution Nos. 234, 496 and 400.

Misc. Com. No. 10 from the Honorable Spark M. Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 121, and responding to said resolution.

Misc. Com. No. 11 from the Honorable Spark M. Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 217, and responding to said resolution.

Misc. Com. No. 12 from the Honorable Frank F. Fasi, Mayor, City and County of Honolulu, informing the House that May, 1987, has been proclaimed Hokule'a Month in the City and County of Honolulu, in response to House Resolution No. 400.

Misc. Com. No. 13 from Jeremy Harris, Managing Director, City and County of Honolulu, acknowledging receipt of House Concurrent Resolution No. 100.

Misc. Com. No. 14 from James D. Kardash, Government Relations, University of Hawaii Professional Assembly, expressing appreciation for the fine work done by the House Print Shop.

Misc. Com. No. 15 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 145.

Misc. Com. No. 16 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a resolution regarding the expansion of the Kilauea Wildlife Refuge and responding to said resolution.

Misc. Com. No. 17 from Frank J. Kelly, Legislative Assistant to Senator Inouye, acknowledging receipt of a resolution regarding the Hakalau and Paauhau postal facilities.

Misc. Com. No. 18 from Frank J. Kelly, Legislative Assistant to Senator Inouye, acknowledging receipt of House Resolution No. 34 concerning the recovery rules for employee contributions to retirement plans.

Misc. Com. No. 19 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 34 and 198.

Misc. Com. No. 20 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 143.

Misc. Com. No. 21 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 258 and 352.

Misc. Com. No. 22 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 216 and 233.

Misc. Com. No. 23 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution No. 243.

Misc. Com. No. 24 from Phylliss M. Minn, Legislative Assistant to Senator Inouye, acknowledging receipt of a resolution relating to the National

Park Service and the Hawaiian Homes issue regarding Kalaupapa National Park.

Misc. Com. No. 25 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution No. 16 and House Concurrent Resolution No. 92.

Misc. Com. No. 26 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 6 and House Resolution No. 11.

Misc. Com. No. 27 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution Nos. 183 and 225.

Misc. Com. No. 28 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 22 and House Resolution Nos. 38 and 294.

Misc. Com. No. 29 from K. Kae Rairdin, Special Assistant to the President for Intergovernmental Affairs, The White House, acknowledging receipt of House Resolution No. 352.

Misc. Com. No. 30 from Stephen K. Yamashiro, Council Chairman, County of Hawaii, acknowledging receipt of House Resolution No. 438, requesting the Department of Transportation to review and update the Waimea Bypass Road.

Misc. Com. No. 31 from Ambrocio G. Ramos, Presidential Staff Director, Office of the President of the Philippines, acknowledging receipt of House Resolution No. 487.

Misc. Com. No. 32 from Henry C. Asugar, Chief Clerk, Congress of the Federated States of Micronesia, transmitting a certified copy of Congressional Resolution No. 5-19, thanking the Hawaii State Legislature for providing invaluable in-service training opportunities to staff from the Congress of the Federated States of Micronesia, and expressing the hope of the Congress that such opportunities will be available in the future, which was adopted by the Fifth Congress of the Federated States of Micronesia, First Regular Session, 1987.

Misc. Com. No. 33 from K. Kae Rairdin, Special Assistant to the

President for Intergovernmental Affairs, The White House, acknowledging receipt of a copy of House Concurrent Resolution No. 183 regarding the Administration's proposal to lower the price support level for sugar.

Misc. Com. No. 34 from Ms. Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 128, 157 and 231.

Misc. Com. No. 35 from Kate T. Beach, Deputy Director, Intergovernmental and Consumer Affairs, U.S. Department of Transportation, acknowledging receipt of House Resolution No. 24 regarding smoking on airplanes.

Misc. Com. No. 36 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of the following: H.R. No. 294, urging the federal government to protect and promote the indigenous languages of the United States of America; H.R. No. 38, urging the United States Congress to support legislation which would provide comprehensive health care services to native Hawaiians; and H.C.R. No. 22, urging the United States Congress to support legislation that provides comprehensive health care services to native Hawaiians.

Misc. Com. No. 37 from Patrick H. De Leon, Administrative Assistant to Senator Inouye, acknowledging receipt of copies of House Resolution No. 198 and House Concurrent Resolution No. 63.

Misc. Com. No. 38 from Sola T. Sewell, Administrator, Office of the Governor, Territory of American Samoa, acknowledging receipt of a copy of House Concurrent Resolution No. 225.

Misc. Com. No. 39 from K. Kae Rairdin, Special Assistant to the President for Intergovernmental Affairs, The White House, acknowledging receipt of House Resolution No. 253 urging the United States to extend an invitation to France to use U.S. nuclear testing facilities as an alternative to using its current sites in the South Pacific.

Misc. Com. No. 40 from the Honorable Frank F. Fasi, Mayor, City and County of Honolulu, acknowledging receipt of House Resolution No. 116, and transmitting a response to the questions posed on said resolution.

Misc. Com. No. 41 from the Honor-

able Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution Nos. 128 and 231.

Misc. Com. No. 42 from Joseph M. Magaldi, Jr., Acting Director, Department of Transportation Services, City and County of Honolulu, acknowledging receipt of a copy of House Resolution No. 100, requesting the Department of Transportation to develop an interim pedestrian safety plan for Kalaniana'ole Highway in East Honolulu.

Misc. Com. No. 43 from William C. Bailey, Deputy Administrator, Program Planning and Development, U.S. Department of Agriculture, acknowledging receipt of a copy of resolution concerning proposed changes in the sugar price support program and responding to said resolution.

Misc. Com. No. 44 from A. Mario Castillo, Chief of Staff, Committee on Agriculture, U. S. House of Representatives, acknowledging receipt of House Concurrent Resolution No. 104, relating to the development of a State-of-the-Art Applied Aquaculture Research Facility at the Oceanic Institute.

Misc. Com. No. 45 from John Patrick Jordan, Administrator, Co-operative State Research Service, U.S. Department of Agriculture, acknowledging receipt of House Concurrent Resolution No. 225.

Misc. Com. No. 46 from Paul L. Gretch, Director, Office of International Aviation, U.S. Department of Transportation, acknowledging receipt of a copy of House Resolution No. 169, requesting that All Nippon Airways (ANA) be granted a scheduled route to Hawaii, and responding to said resolution.

Misc. Com. No. 47 from Bettie M. Helterbran, Congressional Liaison Representative, Departments of the Army and the Air Force, National Guard Bureau, Department of Defense, acknowledging receipt of a copy of House Concurrent Resolution No. 50.

Misc. Com. No. 48 from Ellen Shillinglaw, Director, Office of Legislation and Policy, Department of Health and Human Services, acknowledging receipt of a resolution urging the establishment of a comprehensive National Health Insurance Program and responding to said resolution.

Misc. Com. No. 49 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a resolution regarding entrance fees for the National Parks in Hawaii and responding to said resolution.

Misc. Com. No. 50 from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House, acknowledging receipt of House Resolution Nos. 57, 231, 6, 198, 294, 11 and 22, and House Concurrent Resolution Nos. 22 and 104.

Misc. Com. No. 51 from Michael D. Antonovich, Chairman of the Board of Supervisors, Fifth District, County of Los Angeles, accepting the proposal to work with the State of Hawaii in the implementation of House Concurrent Resolution No. 148, HD 1, SD 1, to evaluate their program of inspection and grading of produce, feed, eggs, poultry, meat, pesticide enforcement, and plant pest and disease control for the express purpose of improving the program effectiveness through a detailed exchange of information, and informing the House that the contact person for the County will be Paul B. Engler, Agricultural Commissioner/Director, Weights and Measures.