

SIXTIETH DAY

Monday, April 24, 1989

The House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 10:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Leonardo Bugtong of the Lutheran Philippine Mission, after which the Roll was called showing all members present.

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

On motion by Representative Apo, seconded by Representative Hemmings and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Ninth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 958 to 1022) were read by the Clerk and were placed on file:

Sen. Com. No. 958, informing the House that the President has, on April 21, 1989, appointed Senators Yamasaki and McMurdo, Co-Chairmen; and Koki, as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to H.B. No. 604, HD 2 (SD 2).

Sen. Com. No. 959, informing the House that the Senate has reconsidered its action taken on April 6, 1989, and that the amendments proposed by the House to the following Senate Bills were agreed to by the Senate on April 21, 1989: S.B. Nos. 1229, SD 1 (HD 1); 156, SD 1 (HD 1); 300, SD 1 (HD 1); 655, SD 1 (HD 2); 733, SD 1 (HD 1); 828, SD 1 (HD 1); 968 (HD 1); and 1241, SD 1 (HD 1).

Sen. Com. No. 960, informing the House that the Senate has adopted House Concurrent Resolution No. 20, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 961, informing the House that the Senate has adopted House Concurrent Resolution No. 21, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 962, informing the House that the Senate has adopted House Concurrent Resolution No. 24, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 963, informing the House that the Senate has adopted House Concurrent Resolution No. 39, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 964, informing the House that the Senate has adopted House Concurrent Resolution No. 110, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 965, informing the House that the Senate has adopted House Concurrent Resolution No. 113, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 966, informing the House that the Senate has adopted House Concurrent Resolution No. 128, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 967, informing the House that the Senate has adopted House Concurrent Resolution No. 133, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 968, informing the House that the Senate has adopted House Concurrent Resolution No. 135, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 969, informing the House that the Senate has adopted House Concurrent Resolution No. 149, SD 1, on April 21, 1989.

Sen. Com. No. 970, informing the House that the Senate has adopted House Concurrent Resolution No. 165, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 971, informing the House that the Senate has adopted House Concurrent Resolution No. 200, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 972, informing the House that the Senate has adopted House Concurrent Resolution No. 242, SD 1, on April 21, 1989.

Sen. Com. No. 973, informing the House that the Senate has adopted House Concurrent Resolution No. 282, SD 1, on April 21, 1989.

Sen. Com. No. 974, informing the House that the Senate has adopted House Concurrent Resolution No. 285, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 975, informing the House that the Senate has adopted House Concurrent Resolution No. 287, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 976, informing the House that the Senate has adopted House Concurrent Resolution No. 289, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 977, informing the House that the Senate has adopted House Concurrent Resolution No. 301, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 978, informing the House that the Senate has adopted House Concurrent Resolution No. 307, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 979, informing the House that the Senate has adopted House Concurrent Resolution No. 312, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 980, informing the House that the Senate has adopted House Concurrent Resolution No. 334, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 981, informing the House that the Senate has adopted House Concurrent Resolution No. 335, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 982, informing the House that the Senate has adopted House Concurrent Resolution No. 354, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 983, informing the House that the Senate has adopted House Concurrent Resolution No. 362, SD 1, on April 21, 1989.

Sen. Com. No. 984, informing the House that the Senate has adopted House Concurrent Resolution No. 364, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 985, informing the House that the Senate has adopted House Concurrent Resolution No. 365, SD 1, on April 21, 1989.

Sen. Com. No. 986, informing the House that the Senate has adopted House Concurrent Resolution No. 379, SD 1, on April 21, 1989.

Sen. Com. No. 987, informing the House that the Senate has adopted House Concurrent Resolution No. 389, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 988, informing the House that the Senate has adopted House Concurrent Resolution No. 390, SD 1, on April 21, 1989.

Sen. Com. No. 989, informing the House that the Senate has adopted House Concurrent Resolution No. 394, HD 1, SD 1, on April 21, 1989.

Sen. Com. No. 990, informing the House that the Senate has adopted House Concurrent Resolution No. 397, SD 1, on April 21, 1989.

By unanimous consent, H.C.R. Nos. 20, HD 1 (SD 1); 21, HD 1 (SD 1); 24, HD 1 (SD 1); 39, HD 1 (SD 1); 110, HD 1 (SD 1); 113, HD 1 (SD 1); 128, HD 1 (SD 1); 133, HD 1 (SD 1); 135, HD 1 (SD 1); 149 (SD 1); 165, HD 1 (SD 1); 200, HD 1 (SD 1); 242 (SD 1); 282 (SD 1); 285, HD 1 (SD 1); 287, HD 1 (SD 1); 289, HD 1 (SD 1); 301, HD 1 (SD 1); 307, HD 1 (SD 1); 312, HD 1 (SD 1); 334, HD 1 (SD 1); 335, HD 1 (SD 1); 354, HD 1 (SD 1); 362 (SD 1); 364, HD 1 (SD 1); 365 (SD 1); 379 (SD 1); 389, HD 1 (SD 1); 390 (SD 1); 394, HD 1 (SD 1); and 397 (SD 1), were placed on the Clerk's desk and further action was deferred.

Sen. Com. No. 991, returning House Concurrent Resolution No. 5 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 992, returning House Concurrent Resolution No. 18, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 993, returning House Concurrent Resolution No. 41, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 994, returning House Concurrent Resolution No. 47 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 995, returning House Concurrent Resolution No. 50 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 996, returning House Concurrent Resolution No. 62, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 997, returning House Concurrent Resolution No. 64, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 998, returning House Concurrent Resolution No. 91, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 999, returning House Concurrent Resolution No. 115, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1000, returning House Concurrent Resolution No. 120 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1001, returning House Concurrent Resolution No. 136, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1002, returning House Concurrent Resolution No. 139, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1003, returning House Concurrent Resolution No. 152 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1004, returning House Concurrent Resolution No. 153 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1005, returning House Concurrent Resolution No. 154, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1006, returning House Concurrent Resolution No. 157, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1007, returning House Concurrent Resolution No. 182, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1008, returning House Concurrent Resolution No. 185, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1009, returning House Concurrent Resolution No. 189 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1010, returning House Concurrent Resolution No. 191, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1011, returning House Concurrent Resolution No. 192, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1012, returning House Concurrent Resolution No. 204 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1013, returning House Concurrent Resolution No. 212, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1014, returning House Concurrent Resolution No. 215, HD 2, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1015, returning House Concurrent Resolution No. 232 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1016, returning House Concurrent Resolution No. 248 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1017, returning House Concurrent Resolution No. 253 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1018, returning House Concurrent Resolution No. 268, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1019, returning House Concurrent Resolution No. 274 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1020, returning House Concurrent Resolution No. 276, HD 1, which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1021, returning House Concurrent Resolution No. 293 which was adopted by the Senate on April 21, 1989.

Sen. Com. No. 1022, returning House Bill No. 405, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," which passed Third Reading in the Senate on April 21, 1989.

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

Representative Say introduced 22 students from Kaimuki High School (Political Science Class). They were accompanied by their teacher, Mrs. Faye Chee.

Representative Chang introduced Mr. Joe Garcia, aide to Mayor Akana and a former member of the House; Lynne Maunakea, Research and Development Director; and Councilwoman Helen Hale.

At 10:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock a.m.

ORDER OF THE DAY

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Conf. Com. Rep. No. 145 on H.B. No. 205, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 145 and H.B. No. 205, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were recommitted to the Committee on Conference.

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

The House of Representatives reconvened at 11:52 o'clock a.m.

Conf. Com. Rep. No. 1 on S.B. No. 690, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 690, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 2 on H.B. No. 390, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 390, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REDESS PAYMENTS TO JAPANESE INTERNED

DURING WORLD WAR II," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 3 on S.B. No. 107, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 107, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECLARATION OF NATIONAL EMERGENCY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 690, H.B. No. 390, and S.B. No. 107 had passed Final Reading at 11:53 o'clock a.m.

Conf. Com. Rep. No. 4 on H.B. No. 1845, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1845, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings rose to speak against the bill, stating:

"This bill purports to reorganize the Department of Health, Division of Community Hospitals, and the problem with the community hospital system is not one of organization. The problem is that it has the wrong people running it. There has been no effort by anybody in this State to allow the private sector, community-based non-profit organizations to come in and run the hospitals.

"The second point I would like to make in speaking against this bill, Mr. Speaker, is a much more serious problem and that's that this Legislature is becoming a rubber-stamp to consensus government. We saw it last Friday night when bills were thrown on the desk late, and we see it with this fancy report coming out midway through the session -- a very expensive report that you all received.

"In the report from the Department of Health includes many programs that haven't even been approved yet by this Legislature and they're already part of the Department of Health's program. They happen to call it the 'Annual Report,' including community hospital reorganization.

"What's especially curious in this report, and I would like to quote directly from it, are some very familiar words from the Department of Health on the reorganization as seen in the document. They have posed a question to answer the rationale for why they need to reorganize the hospitals and it says that the Department of Health is seen as too big -- why add more positions? And the answer in this report is music to my ears. It says, 'We are adding only 29 new positions to the existing poorly managed bureaucracy,' and I've heard that before but it's nice to hear it from the Majority Party's Department of Health, and I will submit to you that the problems with the Department of Health are not ones of organization but they're ones of mismanagement and I'm glad to see that they're saying it in their own report. But if I was a Majority Party member, I would be awfully upset that your Department of Health got programs already printed and going that they have not had funded yet by the Legislature.

"For these reasons, Mr. Speaker, I'll be voting 'no' on the bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1845, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVISION OF COMMUNITY HOSPITALS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hemmings voting no.

Conf. Com. Rep. No. 5 on H.B. No. 917, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 917, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 917, HD 2, SD 2, CD 1.

"Mr. Speaker and fellow representatives, this measure would continue and expand the 'Operation Nightingale' program which we enacted last year and which has enjoyed success in its first efforts at helping nursing school graduates to pass the Hawaii State Nursing Board examination and obtain nursing licenses in Hawaii.

"I am proud to announce that in its first six months, 'Operation Nightingale' helped 26 new nurses pass the nursing examination through both full-time and extension classes, based on reports submitted to the Department of Health.

"This bill, as amended, would also expand the program to provide specialty training to nurses to qualify them for work in emergency medicine, obstetrics, etc. The Department of Health would have the flexibility to contract this training to other organizations, but would directly provide as much instruction as possible.

"In summary, 'Operation Nightingale' is an unqualified success. This bill would continue the program and widen its scope. The program is an innovative short-term solution to the nursing shortage and I urge all my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 917, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1845 and 917 had passed Final Reading at 12:01 o'clock p.m.

Conf. Com. Rep. No. 6 on H.B. No. 1685, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1685, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 7 on H.B. No. 1847, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1847, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 8 on H.B. No. 1198, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1198, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OR ERADICATION PROGRAMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1685, 1847 and 1198 had passed Final Reading at 12:02 o'clock p.m.

Conf. Com. Rep. No. 9 on H.B. No. 692, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 692, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

The House of Representatives reconvened at 12:17 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 692, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative M. Ige voting no.

The Chair directed the Clerk to note that H.B. No. 692 had passed Final Reading at 12:18 o'clock p.m.

Conf. Com. Rep. No. 10 on S.B. No. 83, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 83, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, in this age of self-centeredness and sometimes challenge to reach beyond their own self-interest, and it is sometimes even difficult to justify the spirit of giving. But in Hawaii, I think our spirit of aloha stands proudly in defiance of selfishness, be it personal or institutional.

"I would like to note that in the bill, some of the language indicates that the Legislature believes that volunteerism, especially among those who already have valuable training and skills, is of benefit to the volunteer, the volunteer's community, and if done well to the host community in which the volunteer works. Volunteerism excites the idealism in young and old alike and creates a community which asks unselfish questions and which accepts responsibility for cooperative problem-solving.

"Mr. Speaker, I would like to commend this honorable body for standing up for idealism, for volunteerism, and for aloha.

"Thank you."

Representative Hemmings then rose to speak against the bill, stating:

"Mr. Speaker, I want to stand up and speak against the bill by saying that I'm in favor of aloha, and I'm in favor of volunteerism, but I am in favor of true volunteerism where people do it because they want to do it and I don't think that you can legislate aloha, and I don't believe, in the second point, that if we're going to reach out and help someone, we should reach out and help those in our own community who need it first.

"For that reason, Mr. Speaker, with the spirit of aloha for the people of Hawaii and with the idea of having volunteers truly volunteer, I will be voting 'no' against the bill."

Representative Cavasso then rose and stated:

"Mr. Speaker, I would like to speak in favor of the bill. I find myself in the unusual position of agreeing with the Health Chairman and disagreeing with my own floor leader.

"It's good that we give. It's good that we give as individuals, it's good that we give as kids in our schools, it's good that we give outside of our own community and State, and I know that we grow stronger as we spend time serving others, and I would just use a quick example. There was a senior class that threw a prom, not for themselves, but for the senior citizens in their community and afterwards, they were asked how it went, and these kids who did something for others, not themselves, said it was the best prom, best event, that they have ever attended in all of their years in school. And I think that this Aloha Health Corps is in that context of giving and serving others, and I would say that it is a good action on the part of our government. Not only as individuals should we give and serve others but also as a government, and I am excited about what this will do for us as we go and bless others."

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

"I supported this measure ever since its inception but given the very brief remarks of Representative Shon, the briefest I've ever heard him make on this floor, makes me want to support it even more.

"Thank you."

Representative Hagino then rose and stated:

"In speaking in favor of this bill, I would like to say that I, too, have been moved by the showing of unity between the brothers Cavasso and I, too, will be voting in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 83, SD 1, HD 1, CD 1, 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 Representatives Hemmings and Liu voting no.

Conf. Com. Rep. No. 11 on S.B. No. 99, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 99, HD 2, CD 1, 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 S.B. Nos. 83 and 99 had passed Final Reading at 12:23 o'clock p.m.

Conf. Com. Rep. No. 12 on H.B. No. 1822, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 13 on H.B. No. 1906, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 14 on H.B. No. 360, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 15 on H.B. No. 911, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 16 on S.B. No. 1360, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1360, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 17 on S.B. No. 1885, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1885, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING WITH NETS AND TRAPS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1360 and 1885 had passed Final Reading at 12:24 o'clock p.m.

Conf. Com. Rep. No. 18 on H.B. No. 1217, HD 3, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 19 on S.B. No. 661, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 661, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20 on H.B. No. 1825, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1825, SD 1, CD 1,

entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21 on H.B. No. 958, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 22 on H.B. No. 1902, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1902, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 661 and H.B. Nos. 1825 and 1902 had passed Final Reading at 12:25 o'clock p.m.

Conf. Com. Rep. No. 23 on H.B. No. 711, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 711, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"It is somewhat gratifying to see this bill come up for Final Reading to pass five years after we introduced the concept of home schools in Hawaii. Five years ago, we put a bill before this House and received a hearing and although the word was that it was not going to pass that year, that it needed to go back to the Department of Education for study and to the Board of Education and now it's good to see that, although it took a while, it is now happening and Hawaii will be one of the leaders in this nation as far as the authority and administration of the home school programs which is basically the administration of schooling by parents at their homes with the use of correspondence courses from across the nation. So, good news!

"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. 711, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 711 had passed Final Reading at 12:26 o'clock p.m.

Conf. Com. Rep. No. 24 on S.B. No. 1870, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1870, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"This legislation is the first step in what Governor Waihee has called the restructuring of our public education system. The bill expresses legislative support

for school/community based management. Simply put, school/community based management means that the people at the local schools who are responsible for accomplishing the goals of the Board of Education will decide how to achieve those goals. In other words, decentralizing our public education system.

"This bill indicates our strong support of school/community based management and mandates all State departments to grant waivers of rules, unless a denial of the waiver can be justified to an appropriate authority within thirty days.

"This bill does not implement school/community based management. The Department of Education has selected a task force which is working now to develop guidelines for action by the local schools. The task force is made up of parents, students, administrators, teachers, support staff and community representatives. Actual implementation of this policy can only be done by the administrators, teachers, support staff, students, parents, and community members at the local schools.

"The success of this redistribution of power will come only after a radical change in the way we think and the way we behave. Few things are harder than changing old habits and old traditions. For example, one important element of school/community based management is more budget control at the local school level which would have been accomplished by Senate Bill 908. But the Director of the Department of Budget and Finance opposed this bill and it died this session.

"The State of Hawaii has traditionally had a highly centralized public education system. Our centralized system was established in order to foster efficiency and promote equity on a statewide basis. None of us wish to abandon efficiency or the equitable distribution of resources.

"But now we are riding a wave of educational reform. Experts say, and in this legislation we agree, that educational decisions are best made by the people who implement those decisions at the school level. This includes principals, support staff, teachers, students, parents and community members. But as you know, my honorable colleagues, making decisions can be very difficult in a democratic process, sometimes impossible.

"This legislation does not accomplish the decentralization of our public school system. It can only be accomplished when people at the school level collectively decide what they want to decide and how they want to decide it. And in a larger sense, it can only be accomplished when decision-makers in the Legislature, the Executive Branch, and the unions voluntarily give some of their decision-making power to the people at our local schools. Those who think this will be easy have not carefully studied history, government, nor human nature.

"This conference draft of Senate Bill 1870 expresses our faith and our trust in grass-roots democracy. I sincerely hope that all of us will do everything we can to assist the people at the schools to implement school/community based management.

"I wish to thank the Board of Education, the Superintendent of Education, and the Governor for submitting this bill for our consideration. And I want to thank my colleagues who worked so hard to develop this final draft of this bill. Now we must continue our efforts and support those at the schools who will have to make it become a reality.

"Thank you very much."

Representative Bybee rose to speak in favor of the bill, with some reservations, stating:

"Several weeks ago, Mr. Speaker, when we started this session, you and I and most of our colleagues in this body submitted numerous education reform measures to change and improve our public school system. Some of these measures were similar and some of them were very different but virtually all of them contained new and innovative ideas for change and recognized our existing public school system was not adequately serving our State. These measures included proposals such as organizing or reorganizing governance and management of our schools. These measures were submitted by us at the request of parents and educators who reside in our respective districts, upon the recommendation of education specialists who had completed comprehensive studies of our system, and at the urging of business and labor leaders in response to strong advocacy of such measures by the media, and finally at the urging of the Governor.

"Yet, with all this enthusiasm and support for reform, we find that today, except for some important budget and financial support measures I will mention in a minute, and the bill calling for the Department of Education to develop an early education plan by 1994, we are here at the end of the session and all we have left in front of us is this bill -- Senate Bill 1870.

"In other words, Mr. Speaker, I speak in support of this measure with reservations because first, we have taken no action to amend or alter the way our public schools are governed or controlled. The Board of Education, the Department of Education, the Legislature, the Superintendent and the Governor, each have retained the same statutory and constitutional powers and responsibilities as they held for the past twenty years.

"Second, we have not heeded the advice of education experts who advised us the solution to our school problems is not just the addition of funds but that we must first change the way our public schools are run before we sink large additional funds into our facilities and programs.

"When it became apparent the other day that many of the education reform measures we had submitted at the beginning of the session were not going to pass, a veteran observer at the Legislature asked me if perhaps we had set our goals too high. I paused and reflected on the question for a moment and then realized the question implied, not that the goals were too high, but they were too difficult to be achieved in the real world of this legislative process. I answered 'no' to the question, Mr. Speaker, and I think that was the correct answer. But we shouldn't let ourselves become willing to accept less than the best for our public schools. We can and do much better.

"This brings me to the bill before us. It is a good bill, Mr. Speaker, and I am going to vote for it and I urge you and our colleagues to also vote for it. But it is a very limited bill. It does not accomplish nearly as much as we need to accomplish. It is limited, Mr. Speaker, because except for the early childhood education plan we will vote on later today, it constitutes the sum total of the reform for our public school system we will enact this session. It is limited because, except for some introductory language in the preamble, it only mandates the Board of Education, the Department of Education and the Superintendent to 'formulate policies to initiate a school/community based management system in our public schools.' It is limited because an important complementary measure -- Senate Bill 908 -- which passed the House and the Senate has died in conference and that measure provided some of the essential support

flexibility for Senate Bill 1870 to be successful. It is limited because without requiring the Board of Education to adopt procedures and to adopt rules to implement school/community based management, this bill stands on very shaky ground and it will depend to a large degree on the goodwill and dedication of the Board of Education members for its success. This is the same Board of Education, Mr. Speaker, which, in its 1984 task force, recommended our public schools be decentralized. This is the same Board of Education, the members of which only a few months ago called the Berman Report the Vermin Report. We cannot expect Mr. Toguchi and Mr. McMillian who are very dedicated and capable people to continue in their respective domain in offices forever. When they change, inevitably, their policies will change.

"That is why this bill is not enough and we must not stop with its enactment. We need to do more, Mr. Speaker. We are making a significantly increased financial commitment to improve our public school facilities and programs this session. This includes a \$90-million fund for facilities, doubling the school priority fund and providing more teacher positions, just to mention a few. All of these appropriations will deliver a much needed boost to our public schools and I think will demonstrate a real commitment on the Legislature's part to improve our public schools. We can all be proud of this action.

"But, Mr. Speaker, I have to say these enactments are not enough. We still have to address what the Governor, the Berman Report, the media, and the people have asked us to reform, and that is to permanently change the way we operate and govern our schools.

"Mr. Speaker, we started four weeks ago to make a loaf of bread and we're ending up with only half a loaf. You are now sending this half a loaf along with the flour and yeast to finish the job to the Department of Education.

"I hope we are doing the right thing for our kids' sake. And between now and next session, Mr. Speaker, I urge you and each of our colleagues here today to study the several measures proposing educational reform which did not pass this legislative session and to participate in the public debate which will occur in the community regarding them and to confer with their respective constituencies about them. And then when we return in January of 1990, Mr. Speaker, that we're prepared to address these measures and to complete the important job of securing permanent, lasting and meaningful education reform.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose and stated:

"In the interest of conserving time since we have lots to accomplish, I would like to ask that my comments on Conference Committee Report No. 24, Senate Bill No. 1870, be incorporated in the Journal," and the Chair "so ordered."

Representative Stegmaier continued:

"In addition, Mr. Speaker, if I might highlight a couple of points that I think are very important.

"One is that when you look at the specifics of this bill, there's one portion of it talking about waivers and I think it is pretty remarkable. What the bill says is that schools that have traditionally been frustrated by the cold and insensitive State bureaucracy will now be listened to by the State bureaucracy. In fact, the State bureaucracy will have to defend itself and explain why it had to maintain

its own rules rather than waive them for the benefit of individual schools in their pursuit of local management. I think that's a remarkable step forward. With that sort of spirit included in the bill, I am very optimistic about what we can accomplish during this first year and I think we have enough in that bill to set an agenda for what we need to accomplish during the interim in terms of establishing pilot schools and really getting a start in pushing the momentum for a gradual process that will take many, many years, of course, to complete.

"I am very optimistic and I speak in support of this bill.

"Thank you."

Representative Stegmaier's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1870 without reservation.

"Let's talk about the specifics of this bill. It would direct the entire State government to adapt to and support school based management. It would require the Department of Education to formulate selection procedures for pilot schools to lead the way in implementing school-community based management this year. It contains a provision on waivers. This provision is remarkable in that it is a 180-degree shift in philosophy that is being required of State government. Schools traditionally have been frustrated by the cold, insensitive State bureaucracy. With this bill, the State bureaucracy will now have to defend itself and explain why it had to maintain its own rules rather than waive them for the benefit of individual schools.

"In the frenzy of the moment, it is easy to lose sight of our accomplishments. If we step back we can see that in just one year there has been a tremendous change in the prospects for improving the entire public education system. From a great pessimism a year ago has emerged optimism. A vision of what is possible has emerged. We can look to the future with enthusiasm. Parents, teachers and principals need to rededicate themselves to fulfilling the vision which we now see.

"We are very fortunate that surplus funds have become available and that the leadership of both the executive and legislative branches have seen fit to invest much of these funds in education reform. Senate Bill 1870 doesn't go far enough but it does go far enough for the first year of implementation. It allows us to take the first significant step in school reform. A task force of dedicated people is now at work to provide guidelines and a foundation for school-community based management. Up to 30 pilot schools can spend the next year implementing school based management.

"I am especially pleased with language in the preamble to Senate Bill 1870 which mandates the Board of Education to establish a plan which will cause all schools in the State to eventually shift to school based management. There will be no distinctions drawn between rural and urban schools or between economically healthy and economically depressed communities.

"I would encourage my colleagues to spend the next month after the completion of the legislative session investigating the possibility of enrolling at least one school in each of our districts to embark this year on a school based management plan. We do not want this movement to benefit only the wealthy communities of our State. We know that all communities have the potential to benefit from school based management and we must take a leadership role in making certain that this happens.

"I disagree with those who think that if this bill doesn't include everything about school reform that we will lose our resolve. This bill strengthens our resolve. It doesn't diminish it. We all know that true education reform will take time. Paul Berman says ten years would be reasonable but we must begin now.

"This movement for school reform is our last, best chance for providing the opportunities that we want for future generations. We have no alternative but to stay steadfast in our resolve. We shall not be denied."

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

"Mr. Speaker and fellow colleagues, with the passage of Senate Bill 1870 today, we begin the arduous and ambitious process of decentralization of our public school system and, hopefully, making top-down decision-making a policy of the past.

"For too long, the community has been denied making serious and productive contributions to schooling and we now have this opportunity to make historic reforms that emphasize coordinated community action. Principals, administrators, support staff, teachers, students, parents and community members, including the local business entities, and last but not least our Governor and the Legislature, will all be called upon to participate in the development of a public school system second to none.

"Under the school/community based management system, no one player will dominate. Each player's input must be respected and considered. Central to the success of school/community based management is the planning, formulation and execution of a strong curriculum which will help our youngsters meet the demands of a sophisticated, technological twenty-first century.

"Critical to curriculum development is the planning and the research that must be done by our teachers if we are to significantly improve teaching. Teachers must be given adequate lead time and the necessary resources so that they can plan a viable curriculum that will meet the unique needs of their school as they strive to meet the total education and developmental needs of each student.

"In closing, we should all bear in mind that with flexibility comes accountability. Those involved in the planning and decision-making process must accept the consequences of their decisions, good or bad, and must be accountable to their respective schools and communities.

"Mr. Speaker, I close with a quote from a report on secondary education in America: 'Without good schools, none of our problems can be solved. People who cannot communicate are powerless. People who know nothing about their past are culturally impoverished, and people who cannot see beyond the confines of their own lives are ill-equipped to face the future. It is in the public school that this nation has chosen to pursue enlightened ends for all its people, and this is where the battle for the future of America will be won or lost.'

"Mr. Speaker, the measure before us today is being passed with the very best of intentions and let it likewise be implemented with the very best of intentions and wisdom.

"Thank you, Mr. Speaker."

Representative Isbell then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill but I do have a couple of concerns I would like to express.

"It appears that although this is meant to be a local type of school decision, it says that the Department of Education shall formulate policies, including criteria and procedures, to determine which schools shall participate in the system. It also says that they shall appoint a representative selection panel to recommend which school should be selected. However, it does not say when that panel shall be recommended and it doesn't really give any criteria about how that panel should be selected.

It also says that the Board of Education shall formulate policy and exercise control. So now we have the DOE formulating policy, we have the Board of Education formulating policy, and they are supposed to come out with a common set of educational goals which the schools, subject to the community/school based management system, shall be responsible for fulfilling.

"I thoroughly agree that it's time we let the local schools have some decision-making power but it appears to me that the DOE and the Board of Education still are going to have their fingers in the pie and although I'm hearing about half a loaf of bread, I hope they don't have their fingers undoing the pie they were trying to bake here.

"Thank you very much, Mr. Speaker."

Representative Anderson rose and stated:

"Mr. Speaker, I would like to be consistent and go 'no' on the bill. My concerns are the same as the others. I would hope that Representative Kawakami's remarks would be true -- that the teachers are the ones that are going to be able to have a say. That's what education is all about.

"In the past, they have been kept out of the process. Curriculums have been changed without, I believe, the input of the teachers and I'm not sure if this bill is going to take care of the concerns that she has nor the concerns that I believe that education deserves.

"For that reason, I am going to be voting no.

"Thank you, Mr. Speaker."

Representative Hemmings then rose to speak in favor of the bill, with reservations, stating:

"I think many members who expressed reservations talked generically about the issue. It was told to me at the beginning of session when the Berman Report first came out that maybe what will happen is that we'd end up spending a lot of new money in education but there really would be no systemic management reform.

"Speaking specifically to this bill, Mr. Speaker, it does not have any specifics on who will constitute school based management. In fact, it gives the policy directly back to the DOE and BOE -- the people we're trying to arrest management partially from. It doesn't talk about teachers, students, parents constituting the people who make school based management decisions, so it's very mute on it.

"Although this bill was sent to us by the Governor very liberally written, the Education Committee can have credit for changing one word in Section 4 regarding waiver policy. It was 'may' and it is now 'shall' but if you look at that section, it says, '...any State agency may be required and shall waive otherwise applicable policies.' But then it goes on to say '...unless an agency' without saying what agency 'can, within thirty days, justify the denial to the appropriate authority.' That's a very generic, non-specific language and you might have a

situation where an agency is judging its own waiver because it does not specify exactly who is going to be doing that.

"This is a small step in the right direction but it, by no means, constitutes school based management. I believe, in passing this bill, really, we're setting the stage to come back and do what we really should do next year.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I would just like to make some clarifying comments.

"First of all, school/community based management was launched by the Board of Education and the Department of Education long before this session convened. And it behooves me to remind our members that this is not a bill that came out of the Legislature or out of the Governor's Office. This program was already being launched. The task force has had, to my recollection, two meetings. I believe the frustration that we feel on the part of some of our members is the fact that they cannot sit on the task force and are not involved in the actual implementation of the bill. As I understand it, the Governor chose to introduce an administrative bill simply to lend some support, at least to give the illusion that the Executive Branch and the Legislature supported what the Board was doing and what the Department of Education was doing. And the sword cuts both ways and it is a very, very dangerous thing to do because here we are with many people who would like to have more specifics in the bill which I was opposed to since it was a program that was already started and for once, I would like to give the Board of Education and the Department of Education the benefit of the doubt.

"I believe if we, as we have in the past, because we are, I believe, part of the governance problem, that there are basically four bodies that are involved in the decision-making of our school system. The Legislature, certainly, with our line item veto powers, have a lot to do with our educational system. So, I think we ought to stop throwing rocks at glass houses.

"Secondly, the Executive Branch of government, particularly through the Office of Budget and Finance, has a lot to say about what happens with our educational system.

"Then there is the governance question of the relationship between the Board of Education who hires the Superintendent who, in turn, sits on the Governor's cabinet. I'm not saying that these are not problems but sometimes, Mr. Speaker, I just get a little tired of us throwing rocks at the Board of Education and the Department of Education and refusing to acknowledge that we play a significant role in the education system and so does the Executive Branch of government. If we are going to talk about statutorily changing governance, we ought to take a look at our operations, we ought to take a look at the Executive Branch of operations and how it either frustrates, provides barriers, or maybe sometimes, we might even be helping the Department of Education and the Board of Education.

"So, I support this bill and do agree that it is a very small step toward decentralization. But again, I remind our members this is an item that did come from the Board, that was structured by the Board and the Department of Education, and we are simply tagging along so that we can get some credit for it also.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this is not a perfect bill but it is a beginning. And you have to remember, Mr. Speaker, that an oak tree comes from a small acorn seed and, hopefully, that this bill is a beginning of a change that has long been overdue."

"So, for this, Mr. Speaker, I support this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1870, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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 S.B. No. 1870 had passed Final Reading at 12:49 o'clock p.m.

Conf. Com. Rep. No. 25 on S.B. No. 1140, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 25 and S.B. No. 1140, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 26 on S.B. No. 496, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 496, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 27 on S.B. No. 1818, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1818, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 496 and 1818 had passed Final Reading at 12:50 o'clock p.m.

Conf. Com. Rep. No. 28 on S.B. No. 1823, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1823, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 29 on S.B. No. 967, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 967, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE COMMISSION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1823 and 967 had passed Final Reading at 12:51 o'clock p.m.

Conf. Com. Rep. No. 30 on S.B. No. 1433, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1433, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING IMPAIRED," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1433 had passed Final Reading at 12:53 o'clock p.m.

Conf. Com. Rep. No. 31 on S.B. No. 59, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 59, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bybee voting no.

Conf. Com. Rep. No. 32 on S.B. No. 625, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 625, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 625 had passed Final Reading at 12:54 o'clock p.m.

Conf. Com. Rep. No. 33 on S.B. No. 1128, HD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 34 on H.B. No. 977, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 977, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 35 on S.B. No. 1622, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1622, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"This bill requires the Department of Education to adopt standards and conduct inspections to improve sanitation, safety, and general physical appearance of our public schools.

"The bill is an added feature to the systematic repair and maintenance program that we started two years ago within the State of Hawaii. It requires cooperation

between the Department of Education, the Department of Accounting and General Services, and the Department of Health to develop and maintain health and safety standards for school facilities.

"Mr. Lex Brodie has spent a lot of time visiting schools and evaluating their physical condition. He came up with the idea for this inspection program because of his interest in creating a safe and healthy learning environment for Hawaii's students. To Mr. Lex Brodie, I say, 'Thank you very much.'

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1622, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 977 and S.B. No. 1622 had passed Final Reading at 12:55 o'clock p.m.

Conf. Com. Rep. No. 36 on H.B. No. 1299, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 37 on S.B. No. 1948, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1948, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 38 on S.B. No. 864, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 864, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 39 on S.B. No. 269, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 269, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECEPTIVE TRADE PRACTICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1948, 864 and 269 had passed Final Reading at 12:56 o'clock p.m.

Conf. Com. Rep. No. 40 on H.B. No. 1549, HD 1, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1549, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI CONVENTION CENTER AUTHORITY," having been read throughout, passed Final Reading by a vote of 40 ayes to 2 noes, with Representatives Bellinger and Hayes voting no.

The Chair directed the Clerk to note that H.B. No. 1549 had passed Final Reading at 12:57 o'clock p.m.

At 12:57 o'clock p.m., 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 1:12 o'clock p.m.

Conf. Com. Rep. No. 41 on H.B. No. 1544, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 42 on H.B. No. 81, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 43 on H.B. No. 79, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 44 on S.B. No. 1565, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 45 on H.B. No. 1824, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 46 on H.B. No. 9, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 47 on S.B. No. 2038, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 2038, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDING OF MOTOR VEHICLE INDUSTRY LICENSEES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2038 had passed Final Reading at 1:13 o'clock p.m.

Conf. Com. Rep. No. 48 on S.B. No. 816, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 816, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hagino then rose and requested a roll call vote on this measure and further said:

"In the interest of time, Mr. Speaker, I have spoken on this measure in the past and I want the Journal to reflect that my opinion of this bill has not changed and that the Journal should incorporate the words against this bill on Third Reading when it passed previously this session and I may as well incorporate my words against this bill in 1984 and any other years I may have forgotten. (By reference only)

"Thank you, Mr. Speaker."

Representative Souki then 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."

Representative Souki's remarks are as follows:

"I rise to speak in favor of this bill.

"Senate Bill 816, HD 1, CD 1, provides relief to taxpayers who made duplicate use tax payments to the State where those payments were also being made by another taxpayer.

"The specific situation in mind is that of the General Motors dealers who, between 1969 and 1981, paid use taxes to the State when these taxes were already being paid by the General Motors Overseas Division. The dealers did not have to pay these taxes, they were not liable for these taxes, they paid these taxes by mistake.

"What this bill does is to allow the dealers to get their money back. This is only fair. The State should not keep money that it is not entitled to and that it had collected in error.

"I want to make it clear that the dealers are not getting a windfall. They are only getting back what they had mistakenly paid in.

"I think this is a fair bill, a just bill. I urge all my colleagues to vote in favor of this measure."

Roll call having been requested, the motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 816, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENT," having been read throughout, passed Third Reading by a vote of 29 ayes to 20 noes, with Representatives Amaral, Andrews, Arakaki, Cachola, Hagino, Hayes, Hiraki, Hirono, D. Ige, Ihara, Isbell, Kawakami, Kotani, Lee, Metcalf, Oshiro, Shon, Stegmaier, Shon and Taniguchi voting no, and Representatives Bellinger and Okamura being excused.

The Chair directed the Clerk to note that S.B. No. 816 had passed Final Reading at 1:18 o'clock p.m.

Conf. Com. Rep. No. 49 on S.B. No. 637, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 50 on S.B. No. 950, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 51 on S.B. No. 245, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 245, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings then rose to speak against the bill, stating:

"Mr. Speaker, I rise to vote 'no' against the refund and although \$125 is certainly a lot more than one dollar, it is by no means what the taxpayers deserve. It was just last week that the citizens of this State filed their tax returns for 1988 and they painfully realized once again, in spite of the deductions taken out of their check all year long

which reduced their take-home pay, most of them had to pay additional State taxes at filing time. Obviously, much of the surplus came out of the working peoples' pockets.

"Mr. Speaker, since I am not part of the consensus government, I feel it is my duty to let the people of Hawaii hear both sides of the story on how the money is being spent and I will do so when we speak to the budget. And I will be the first to admit that many people have said to me, 'Keep the refund, I don't need it. Use it on education or some other program.' Ironically, when many of these people hear the facts on how the money has already been spent by government on these programs, and when they are informed about all the audits detailing the real problems, they will reconsider having their surplus retained by the government to squander on new programs.

"One hundred twenty-five dollars is a large refund in comparison with the past. For a family of four, that will translate to \$500. Imagine what a family of four, especially a family of four in our poor neighborhoods could have done if they received \$625 or a total of \$2,500 in the way of a refund. This would have been very progressive and helped everyone, most especially those people families who have a difficult time making ends meet because on the average, the single biggest thing they pay for in this State is taxes and that also translates to having a state with the highest cost of living of any state in the union.

"For those who still insist that the money can be better spent by government, when they get their refunds, they can easily endorse it back to the State or better yet, if they really want to help someone in effective programs, they can endorse the refund check to the Institute of Human Services, the Variety School, SEICO, or some other cost effective programs.

"Mr. Speaker, I know that some might say it is foolish to vote 'no' at \$125, but I believe I have to stand on the principle because I believe that our budget could accomplish with good management what needs to be done for the people of Hawaii and still be able to refund their money back to them. For that reason, I am voting no."

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

"Mr. Speaker, it is with pleasure that I stand in support of this bill. It is because the poor people in Kalihi were the ones that said, 'We don't need this money, please use them for education.' They were not interested in the amount of refund. In fact, all they were interested in is for the government to use the amount of money to improve the schools, give some sewer system to Kalihi, and also touch up some of the pukas on our road.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I concur with the Minority Floor Leader that the amount is not enough. The bill represents, I think, a problem of priorities of government generally within the State.

"What is in here is obviously an afterthought. We see the figures are hand-typed in instead of the usual word processor. Obviously, it came up in the last few minutes. It underscores a philosophy that we should continue to expend and spend without true accountability, Mr. Speaker, because that accountability we saw was left in a shambles last Friday night.

"People are going to ask in a year, while they are filing their taxes for 1989 and I hope they ask it in October of 1990, 'What did I get for the \$450-million spent? How is my life better? How is the life of my neighbor better?' I represent a part of Kalihi also. Overwhelmingly, 80 percent of my questionnaire sent out and people sent back saying they want a significant rebate.

"The Majority Party is going to have to answer as to how the people feel on this issue, and it will be an issue in the 1990 election. I think we put the cart before the horse, I think we should have at least held to the House position which we did not, and I think it is unfortunate that we are here accepting what perhaps we feel would merely pacify instead of really serve the people of this State.

"So, Mr. Speaker, I just hope that in the future, when there will be another surplus and because we did not make any significant tax reform on income taxes, that we won't take the same course.

"Thank you."

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

"I believe this bill is a fair assessment of what the Legislature has done throughout this session. It provides a balance between the dollars for the big money projects and rental assistance programs, secondary treatment programs of sewage, the tax refund, and a special fund for schools. If you look at all of that in total, you provided over \$250-million in special programs that are going back to the community.

"The budget is yet to come but as you look at the budget, you will find that there will be substantial improvements in areas of education, in culture, in environment, in health. I think the money committees had to weigh the balance. If they say that a decision was not made until the last moment, they may be partially correct because until the last moment, the decision was being weighed on the values of human services, on the values of physical services that we need, and on the kind of consideration we should give back to the people for the taxes that were paid. And, members of the House, I stand ready to defend what we did as a fair assessment of this body.

"Thank you very much."

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

"When the Fifteenth Legislature started this current session, we faced the question: What should we do with the surplus?

"Of the many views and comments which I have received, the opinion which I find most rational, as well as the most compassionate, is written in the Chamber of Commerce's publication, **The Voice of Business**, in the January 30, 1989 issue.

"That editorial expresses so well what I feel myself and also what many of my constituents feel that I want to read it to you. Let me quote from the Chamber of Commerce's **The Voice of Business**: 'There is no business consensus on the best disposal of the State's abundant surplus, except that it should be just that -- the best. If some or all is returned to the citizens, the process should be efficient and fair. If it is used to fund State programs, choices should be made with extreme care.

"If it is, as some leaders urged, the time to invest in Hawaii's future, the Legislature is responsible for ensuring that the investment will bring real returns and not be a drain on the State in future, less affluent years. And it would be wise to save a bit for the inevitable rainy day.' That was **The Voice of Business**.

"The Legislature, I think, has chosen to invest wisely in Hawaii's future and has also chosen to return a fair amount to the taxpayers -- \$125 to each resident.

"We need to invest in order to grow and prosper. The industry that does not invest will falter, and misinvestment can be fatal. Look what happened to Detroit!

"Our most efficient and profitable companies are those which invest and invest wisely. There is no better example than Matson Navigation Company. Even in sugar, Oahu Sugar Company in Waipahu continues to be profitable and does it on leased land. It invested early and wisely in drip irrigation and other modern equipment.

"What has business done in furtherance of its editorial? The Business Roundtable and the Chamber of Commerce have strongly supported investments in public education. Representatives of both organizations have testified before committee hearings. They wanted us to invest wisely in education. In further discussion on the State budget, you will find that we have done so.

"We need to make priorities. Everyone of us need to do so. Our distinguished representative from the 24th District which lies roughly between Aina Haina and Kaimuki who voted for House Bill 1821 and Senate Bill 1910 on land banking -- he explained in his own words, 'I am voting in favor of the bill because I think Big Beach on Maui, Makena, deserves to be preserved for the people of Hawaii, and I do believe that Coconut Island, as I did in 1987, deserves to be a resource to be enjoyed by future generations. My reservations,' he says, 'are that we are three years short and many, many millions of dollars late on this issue.'

"The astute representative is absolutely correct. By failing to invest yesterday, we have to pay more today.

"He has also voted in favor of other investments -- a multi-million dollar program for wastewater treatment. He did so along with 50 other representatives. He also voted in favor of public education, the special fund for school facilities. He thus joined 50 others in voting for House Bill 1826 at the first crossover.

"In other words, I think by making choices, we have to invest in what we invest and then what is left over, we can refund. I believe sincerely that \$125 is a very fair return to the taxpayers, consonant with what **The Voice of Business** called for back in January.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, at the beginning of the session, we all received on our desks a little sticker that said, 'I want my \$400,' if you all recall that. That sticker came from a constituent of my district, Mr. Speaker, and it caused me to pause as to how I would vote in the beginning of the session. However, I looked around my community and saw that we had a major wastewater treatment plant that needed substantial funds. I saw a high school that was substantially incomplete after a number of years. Now, we have funded major amounts to those projects, Mr.

Speaker, and I am sure we can all, as we said earlier today, think of important projects in our own communities that have now been funded.

"Mr. Speaker, \$125 per person is a fair figure. It will interpret to be \$500 for my own four-member family. That's not a small amount, Mr. Speaker, and a substantial amount of that surplus has resulted from many of our visitors who have come to our islands. So, I think it is a very fair number, Mr. Speaker, and I urge everyone to support it."

Representative Hemmings, in rebuttal, stated:

"One of the prior speakers talked about...we need the money for rental assistance, we need the money for secondary sewage treatment, we need it for the school special fund, and I would like to say, when we do pass the budget, out of the \$4.4-billion we will be spending a year on many programs, that I agree with the good representative between Pearl Harbor and the North Shore that that money and a lot of it is going to be well spent. What I am speaking against is the money that will not be well spent -- the hundreds of millions that could be better spent or saved.

"But let's take a few examples that were brought up by the proponents of this. Let's talk about rental assistance, let's talk about an economy that is so mismanaged that the taxpayers have to subsidize other peoples' rent because the State controls so much land and they have not freed it up for low cost housing development. Or, the State allows unchecked investment of residential property so that the local people cannot afford to buy their own property and, therefore, there is a reduction of available housing in the marketplace and prices go up. I will submit to you that we will have to give rental assistance to people because we have constricted the market and we don't have enough rental space available. Further to that, many people who are the working poor do not have the money to pay their rent because their taxes are so high. You want to help people with their rent -- give them back \$2,500! Then they will have some money to spend on rent.

"Let's talk about the secondary sewage treatment. I don't think the people who spoke out about that looked at their committee report very well on that very issue because right in the committee report, it says we don't need to spend the money on secondary treatment, that that money is going to be spent on other sewage proposals. I am in favor of that. We should help the counties but let's at least be accurate on how we are spending the money.

"Let's talk about the school special fund of \$90-million. I am going to vote in favor of that also, Mr. Speaker, but I hope that when we spend the money -- \$90-million a year -- that we get \$90-million worth of value back. If we take the example of a portable classroom, which our side of the aisle pointed out several years ago, this State was spending \$100,000 for portable classrooms when the private contractors could build the same thing, without the bid hoops that the State made people jump through, for \$50,000 or \$60,000. Well, I am pleased to report that we are getting portable classrooms for \$50,000 or \$60,000 now. The good representative from Kalowalo pointed out that in Kalowalo, they are building a four-classroom brick building for \$248,000. The State has a contract to build this same building for a million dollars.

"So the point is, spending \$90-million by government necessarily is not going to create \$90-million of goods and services back, and the waste that is in there that has been apparent to other examples we gave should not be allowed to continue.

"I value human services but I don't value holding the needy in our community as hostages to build government programs. We've done it year in and year out and the needs of the needy get worse and every year we stand up and self-righteously say, 'Well, we're going to help the needy.' And every year, the situation gets worse.

"I appreciate the good representative from Mililani Town reading **The Voice of Business** thing, but I saw no consensus opinion in that reading.

"The Big Beach investment, the Coconut Island investment, is another beautiful example of just what I mean. Money is put in the budget to buy Coconut Island. Look at the amount of money that is being wasted! The Senate rose up in righteous indignation about that island being sold out from under us. Then we offered a resolution to condemn it three years ago and acquire it for the State at that time for the fair market value, and low and behold, the Senate was awfully quiet. Well, I would submit to this body that it's because of politics because a certain former Governor's law firm was representing the buyer who has since been deported, by the way. But the bottom line is -- because we failed, now the taxpayers are going to have to stand the jerk for the increased prices.

"So the bottom line is, Mr. Speaker, I am in favor of much of the good spending that's in the budget and much of the good spending is going on but I am also opposed to waste and to inefficiency and the occasional malfeasance which we are lucky enough to catch. And please don't take my word for it. Go back to your office and read the audits on the State hospital system. Look over the audit again that mentions about the hospital business management contract where the spending ceiling was raised to accommodate some friends who entered into the business of collecting money without going to bid for the \$115,000 they received a month, or for the secrecy clause. Go back and look at the audit of the Corrections Department. They were going to spend \$100,000 on having a master to take care of the problem we can't take care of ourselves. Go back and look at the audit of the mental services. They didn't talk that the \$39-million wasn't enough money. They talked about mismanagement. Go look at your audits! Please, don't blame me. We have an opportunity to spend money responsibly and by not giving back the people their hard-earned money, we're taking more money out of the citizens of Hawaii's pockets and we are funding big government, and I am sorry to say that it has not been a successful formula for the last twenty years, and I think it is time we start considering alternatives.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 245, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," 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. 245 had passed Final Reading at 1:25 o'clock p.m.

Conf. Com. Rep. No. 52 on S.B. No. 1117, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred.

Conf. Com. Rep. No. 53 on S.B. No. 408, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep.

No. 53 and S.B. No. 408, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 54 on S.B. No. 1734, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 54 and S.B. No. 1734, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PROJECTS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 143 on S.B. No. 667, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 143 and S.B. No. 667, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES," were recommitted to the Committee on Conference.

ANNOUNCEMENTS

The Clerk, at this time, read the following Proclamation:

"PROCLAMATION

We, Richard S.H. Wong, President of the Senate, and Daniel J. Kihano, Speaker of the House of Representatives, of the Fifteenth 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, do hereby extend the Regular Session of 1989 of the Fifteenth Legislature of the State of Hawaii for a period of Two Days beyond the Sixtieth Day of the 1989 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S.H. Wong

Richard S.H. Wong
President of the Senate

/s/ Daniel J. Kihano

Daniel J. Kihano
Speaker of the House of
Representatives"

Representative Liu then rose on a point of inquiry and asked:

"Does the Proclamation in itself indicate the reasons why the contents thereof are being presented to us?"

The Chair asked:

"Mr. Clerk, is it in the Proclamation?"

The Clerk answered in the negative.

The Chair then said:

"You want the reasons? I will give you the reasons, Representative Liu."

Representative Liu thanked the Chair.

The Chair continued:

"The reasons are that we have recommitted the budget document, House Bill 205, because of some technical flaws in the bill, to have the Conference Committee correct these measures and re-submit to the House floor this afternoon. I think there were several bills mentioned by the Majority Floor Leader -- on Senate Bill 1140 which was recommitted, Senate Bill 408, Senate Bill 1734, Senate Bill 667. Those bills will be looked at during the Conference Committee hearings and be corrected and be re-submitted to the floor of this House."

Representative Liu thanked the Chair and further said:

"For the record, to indicate that the House Republicans did not sign the Petition.

"Thank you."

The Chair replied:

"We recognize that, Representative Liu. We did not see your signatures on the Petition."

Representative Taniguchi: "Your Conference Committee on Senate Bill 1140, HD 2, CD 1, will be meeting in Room 226 at 2:00 p.m. House conferees include Representative Horita, the representative between Kaimuki and Diamond Head, and the representative between Waipahu and the North Shore."

Representative Fukunaga: "Your Conference Committee on House Bill 205, Senate Bill 408, Senate Bill 1734, and Senate Bill 832 will be meeting in conference committee meeting in Room 310 shortly after this session."

Representative Say then rose and announced that "one of our local girls became Miss Philippines-America of 1989," and read a message from Daynin Allosada, as follows:

"Your support and words of encouragement has given me the boost of confidence I needed to take with me to Atlantic City. I dedicate my title to you all and thank you again for your help and for your wonderful reception before I left. As I continue this next year representing the Filipino people of America, I, too, will be representing the Fifteenth Legislature of the State of Hawaii, and I am honored and proud to have been a part of it. Thank you again and I hope to see you all when I return."

At 1:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:27 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 55 on H.B. No. 902, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 902, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Hemmings and Liu voting no.

The Chair directed the Clerk to note that H.B. No. 902 had passed Final Reading at 3:28 o'clock p.m.

Conf. Com. Rep. No. 56 on H.B. No. 1635, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1635, HD 1, SD 1, CD 1, 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. 57 on H.B. No. 1236, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1236, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 58 on H.B. No. 188, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 188, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SERVICES ORGANIZATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1635, 1236 and 188 had passed Final Reading at 3:29 o'clock p.m.

Conf. Com. Rep. No. 59 on H.B. No. 913, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 60 on S.B. No. 910, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 910, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker and esteemed colleagues, this is the year we and many others will remember as the year of the young child, the year we choose to make a major commitment in our children. And I think we are all to be congratulated for expressing a vision for Hawaii's future, a vision that shall leave a legacy long after many of us no longer serve in these hallowed chambers. While demands are always upon us to meet more immediate needs, in Senate Bill 910 and other related bills and budget items for the young child, we have chosen to plant the seeds of nurturance and care for our children that the people of Hawaii shall reap in the years to come.

"Senate Bill 910 sets a policy of early childhood education that shall make quality early childhood education available to all four-year olds in the State of Hawaii by the year 2000 or sooner, and I hope it is sooner. In a related item in the State budget, the Office of Children and Youth is provided \$3-million to launch the early childhood education childcare program with several pilot projects statewide.

"The Department of Education and the Office of Children and Youth, along with other public and private

agencies, individuals and organizations, shall develop a plan for early childhood education and parental involvement that will maximize the yield from our investments.

"Mr. Speaker and fellow members, the evidence that preschool can elevate life-long attainment and satisfaction is well documented. We know that every dollar invested in early childhood education has a potential to reduce a minimum of \$5.80 in school and social costs. We also know that from many studies that the first five years are the most formative in a child's life. Therefore, for any plan to work, parents must necessarily be willing and able to be partners in a child's early education and development. As partners, Mr. Speaker, the State, the private sector and our parents shall embark on the road to excellence in education.

"Mr. Speaker and colleagues, we have chosen to take the first step in a quest to enhance the quality of life for the future generations of Hawaii, and I wish to thank all of you, especially the Committees on Education of the Senate and the House and the House Human Services Committee, for their efforts in making it all possible.

"Thank you, Mr. Speaker."

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

"Mr. Speaker and colleagues, this bill recognizes the critical importance of the early years of life in the total development of a human being. Specifically, the bill requires the Department of Education to develop a quality, voluntary early childhood education program, focusing on children four to six years of age and to be fully implemented by the year 2000.

"Hawaii has long recognized the value of education to the individual and to society. Education enables individuals to achieve their highest potential. Only recently, has the importance of early education been demonstrated. For example, it has been shown that the majority of human intellectual development occurs before the age of five years old. Individual development which is stifled in the early years limits potential later on in life, and we must not limit that potential at such an early age.

"Mr. Speaker, the Legislature is considering two other measures today which address the needs of young children. One establishes a program for the prevention of child abuse for at-risk infants, and the other establishes a pilot project for early childhood education. These two measures, in conjunction with this one we are now considering, establishes a comprehensive strategy for addressing the needs of young children in Hawaii. And I am pleased to be able to stand here to comment on these measures for in my many years as an educator in Hawaii's public schools, we have not had a comprehensive plan for early childhood education. Thus, I am excited by the prospect of creating one. It is sorely needed and I believe that with the assistance of other public and private agencies, the Department of Education will come up and develop a plan which recognizes the stages of childhood's development and which will be sensitive to the unique needs of our young children.

"So, Mr. Speaker, I am proud to be able to cast my affirmative vote for this measure and I ask the same support from my colleagues in the House.

"Thank you very much, Mr. Speaker."

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

"I think it is very important that we recognize the value of early childhood education. It is one of the prime recommendations of the Berman Report. The fact that we had not only the requirement for a plan but also the appropriations for pilot projects, it is a great step forward in improving public education in Hawaii.

"For this, I think one of the prime movers is the Chairman of the House Committee on Human Services and to him and to all our colleagues on both the House Education Committee and the House Human Services Committee, I wish to say a very sincere 'Thank you'."

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

"One of the aspects of this bill which I think is absolutely essential focuses on a part of the plan that has to deal with those institutions such as the University of Hawaii's College of Education who will be responsible for recruiting and graduating the qualified teachers for early education. Right now, people who work in this area frequently make no more than \$1,000 a month. It is very unlikely that an expansion of this program can go forward with that kind of a wage and salary scale. And I think we are going to have to look very hard at this issue of not only the qualifications of folks who work in this area, but what we have to offer as a career. And it is my hope that those who work in early education will be certified, not only for four-year olds, but these first several grades in our regular education system as well so that people can see an actual career ladder. I think it is very important that the University of Hawaii, as well as other private institutions who might be involved in setting up programs for early childhood education certification, get on board early and that those responsible for implementing this plan engage in some really important discussions with these institutions early.

"If the Department of Education merely indicates that they should be involved with some general language, that will not be enough. I'm looking for some written agreements between the DOE and the University of Hawaii and perhaps other institutions that are going to assure that we do aggressively recruit and establish a worthwhile and attractive career for people who are going to work in this area.

"For this reason, I am supporting the bill.

"Thank you."

Representative Cavasso then rose and stated:

"Mr. Speaker, I also speak in favor of the bill and agree with the comments previously spoken, especially by the Representative from Kauai.

"I might point out that there is something in this bill that is important and which the Representative from Kauai alluded to as well. It is that this is voluntary early education. It's not mandatory, and there is a reason for this -- a good reason -- and that is that studies have been developed and have been best described by Raymond Moore in his book, **Better Late Than Never**, saying that there are many children who are late developers and those children can be harmed by placing them in an early education program that rushes their education too quickly so that they are burned out at an early age. Some of these studies for the late-developing children, most often young boys as opposed to young girls, show that boys develop more slowly than girls and that some boys do better beginning their education a little bit later than girls. And so the fact that we're establishing this is good, and the fact that we are leaving it voluntary so that those parents and slow-developing children do not be in a

position of being placed too quickly in the education system, is also good.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 910, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 910 had passed Final Reading at 3:40 o'clock p.m.

Conf. Com. Rep. No. 61 on H.B. No. 845, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 845, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Arakaki then 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."

Representative Arakaki's remarks are as follows:

"The greatest needs of families and young children with special needs in the State of Hawaii are to have information and support. Parents of an infant who is diagnosed at birth to have Down Syndrome, for example, have immediate needs for clear, brief, and accurate information about Downs Syndrome. They also need emotional support. This support may need to come from another parent or someone who can truly empathize and just be there if talking is difficult. Perhaps the medical staff cannot always provide all of the emotional support that is needed. But a system is needed so that every family with an infant that is newly identified as handicapped or at-risk for problems in the first part of their lives gets the information and support they need.

"For families with infants and toddlers who are born with clearly identified developmental delays or biologically-based disabilities, the referral to early intervention may be timely. For parents who have their babies in hospitals with neonatal intensive care units, the support systems work. However, there are many, many more families throughout the State who have spent the first months or even a year alone with their fears and worries that something is wrong with their baby. For these parents, for the baby, and for the entire family, we are missing out on precious time that can make a tremendous difference in development for the infant and the adjustment for the family.

"With the current system of early intervention, services are often limited to infants and toddlers with more severe types of disabilities. A broader definition, as proposed in H.B. No. 845, to include infants at-risk will increase the availability of support to families at a critical time in family and infant development.

"An additional improvement proposed in H.B. No. 845 is the coordination of agencies under the direction of the lead agency, the State of Hawaii, Department of Health. Families experience fragmentation, going between agencies to meet their multiple needs. If we are to truly support families to function and cope with infant/toddlers with special needs, collaboration in services and finances are needed. Extending services to all infants and their families in the State who are at-risk will require agencies to share resources.

"There are at least three reasons that every family does not get early intervention. These are: (1) the services are limited, (2) the coordination between agencies is lacking and (3) there is no statewide system for early identification of developmental delays. The needs are great. A single agency cannot meet the multiple needs of children with developmental delays, at-risk conditions, and the needs of families to support their infants and toddlers. Collaboration between state agencies, including the Department of Health, Department of Human Services, rehabilitation departments, private clinics, family support centers, etc. is essential to meet the multiple needs of families and their young children with special needs.

"Coordinated, early intervention services with interagency agreements are needed to carry out services for a family, yet maintain one family services plan so that all services are coordinated. The establishment of the Early Intervention Coordinating Council is needed to guide the development of coordinated early intervention services throughout the State of Hawaii.

"I strongly urge you to support House Bill No. 845."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 845, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFANTS AND TODDLERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 845 had passed Final Reading at 3:41 o'clock p.m.

Conf. Com. Rep. No. 62 on H.B. No. 64, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 63 on H.B. No. 1850, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 64 on H.B. No. 239, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 239, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL DATA," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 239 had passed Final Reading at 3:42 o'clock p.m.

Conf. Com. Rep. No. 65 on H.B. No. 30, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 66 on H.B. No. 1842, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1842, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings then rose to speak against the bill, stating:

"Mr. Speaker, this has to do with special funds once again and it seems in order to circumvent the problems with the highway fund, we are creating a special fund to be a fourth special fund in the Department of Transportation in which the money can be put in to accommodate the needs in other areas, and I don't think that was what the federal government had in mind when they talked about airport funds being used for airport purposes.

"Second, Mr. Speaker, I think the Highway Department has a problem with the highway fund being depleted, not because they don't have enough money. It's rather ironic that we had the resolution the other day asking the federal government not to up the highway tax because we did the very same thing several years ago ourselves and upped it dramatically. And there is evidence that the highway fund is depleted because of the time and money it cost to build things around here -- 22 years for the H-1, 12 years for the Airport Viaduct and it took 3 more years to build the Wahiawa Stream Bridge than it took the State of California to build the Golden Gate Bridge. Time is money in construction, Mr. Speaker, and I believe that instead of having a special fund to juggle funds with, we should be demanding more efficiency in the construction of our highways and byways on the islands and we would not need special funds to juggle with.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, the primary purpose of this measure is to address the anticipated revenue shortfall in the highway special fund. This initiative seems to be an alternative to increasing motor vehicle taxes which the prior speaker has alluded to. Again, this is to alleviate the need for us to increase motor vehicle taxes.

"There has been an extensive discussion, Mr. Speaker, regarding whether or not such a transfer of revenues from the off-airport concessions is in fact in compliance with federal mandates. In light of these concerns, the conferees have included in this measure a proviso prohibiting any transfer of funds unless such transfers are in compliance with federal grant agreements.

"Also, in a recent letter addressed to Senator Daniel Inouye, the U.S. Secretary of Transportation Samuel Skeener, has indicated that he is not opposed to the passage of the conference draft of this bill. He further indicates that he looks forward to continue discussion with the State in efforts to reaching an acceptable accommodation and it seems apparent, Mr. Speaker, that in order for us to continue with our highway construction and highway maintenance projects, that it is incumbent upon us to take action to enhance revenues in our highway fund and I urge your favorable consideration.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1842, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SPECIAL FUNDS," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and Hemmings voting no.

Conf. Com. Rep. No. 67 on H.B. No. 403, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 403, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE STATE," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Liu voting no.

Conf. Com. Rep. No. 68 on H.B. No. 32, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 69 on S.B. No. 1787, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 70 on S.B. No. 633, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 71 on H.B. No. 1358, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 72 on H.B. No. 1853, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 73 on S.B. No. 819, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1842 and 403 and S.B. No. 819 had passed Final Reading at 3:45 o'clock p.m.

Conf. Com. Rep. No. 74 on S.B. No. 370, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 370, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT RECOVERY AND EDUCATION FUNDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 75 on S.B. No. 1230, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1230, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 76 on S.B. No. 1814, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1814, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FOR MOTORCYCLES AND MOTOR SCOOTERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 370, 1230 and 1814 had passed Final Reading at 3:46 o'clock p.m.

Conf. Com. Rep. No. 77 on S.B. No. 1376, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1376, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 78 on H.B. No. 1887, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1887, HD 1, SD 1, CD 1, 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. 1376 and H.B. No. 1887 had passed Final Reading at 3:47 o'clock p.m.

Conf. Com. Rep. No. 79 on S.B. No. 1427, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 80 on H.B. No. 231, HD 1, SD 2, CD 1:

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

Conf. Com. Rep. No. 81 on S.B. No. 56, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 56, SD 1, HD 1, CD 1, 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. 82 on S.B. No. 1897, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 83 on S.B. No. 1469, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1469, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIRECTORS AND OFFICERS LIABILITY," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hagino voting no.

The Chair directed the Clerk to note that S.B. Nos. 56 and 1469 had passed Final Reading at 3:48 o'clock p.m.

Conf. Com. Rep. No. 84 on S.B. No. 1874, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1874, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 85 on S.B. No. 1187, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1187, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Say then rose and requested a conflict ruling saying that he is a wholesaler and importer of liquor.

The Chair ruled, "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1187, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1874 and 1187 had passed Final Reading at 3:49 o'clock p.m.

Conf. Com. Rep. No. 86 on S.B. No. 55, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 55, SD 1, HD 1, CD 1, 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. 87 on S.B. No. 424, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 424, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 88 on S.B. No. 1175, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1175, SD 1, HD 1, CD 1, 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. 89 on S.B. No. 1851, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1851, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 55, 424, 1175 and 1851 had passed Final Reading at 3:50 o'clock p.m.

Conf. Com. Rep. No. 90 on S.B. No. 1005, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1005, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 91 on S.B. No. 544, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 544, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGHWAY SPECIAL FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 92 on H.B. No. 744, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 744, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1005 and 544 and H.B. No. 744 had passed Final Reading at 3:51 o'clock p.m.

Conf. Com. Rep. No. 93 on H.B. No. 796, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 796, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Bybee then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill, in a sense for all of us to take notice of the fact that it is an act that is going to affect each of us.

"What this bill does, Mr. Speaker -- it addresses a problem of the fact that a recent study shows that 19 percent of the vehicles on our highways today are uninsured and under our no-fault law, that means, Mr. Speaker, those of us who have insurance are really paying for those that do not have insurance.

"This bill will increase the penalties by as much as four to ten times because those who were driving without insurance were finding it cheaper to be fined by the courts than they were paying their insurance premiums. In fact, so much so that some were finding it still cheaper after the third violation to pay the court fines than to obtain insurance.

"This bill, Mr. Speaker, will increase the fine so substantially that I think it is important that we make note here and after the bill passes, hopefully, the press and others will communicate out to the people that if you're driving without insurance, you're driving at a very substantial financial risk to yourself because the fines will now be substantially increased. So this is an important bill, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 796, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 796 had passed Final Reading at 3:53 o'clock p.m.

Conf. Com. Rep. No. 94 on S.B. No. 195, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 95 on S.B. No. 1250, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 96 on H.B. No. 219, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 219, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 97 on H.B. No. 1597, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 98 on H.B. No. 748, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 748, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 99 on H.B. No. 80, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 100 on H.B. No. 1156, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 101 on S.B. No. 1344, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1344, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OZONE DEPLETION AND GLOBAL WARMING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 219, 1597 and 748 and S.B. No. 1344 had passed Final Reading at 3:54 o'clock p.m.

Conf. Com. Rep. No. 102 on H.B. No. 1920, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1920, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no. with Representative Hemmings voting no.

Conf. Com. Rep. No. 103 on H.B. No. 1827, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1827, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF HAZARDOUS MATERIALS, HAZARDOUS WASTE, AND ETIOLOGIC AGENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 104 on H.B. No. 821, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 821, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 105 on H.B. No. 435, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 435, HD 1, SD 1, CD 1, 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. 1920, 1827, 821 and 435 had passed Final Reading at 3:55 o'clock p.m.

Conf. Com. Rep. No. 106 on S.B. No. 1321, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 107 on H.B. No. 646, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 108 on S.B. No. 2004, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 109 on S.B. No. 750, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 110 on S.B. No. 678, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 678, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX REGISTRATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 678 had passed Final Reading at 3:56 o'clock p.m.

Conf. Com. Rep. No. 111 on H.B. No. 1826, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1826, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"This \$90-million fund bill will enable the Department of Education to schedule a systematic building program over the next ten years to meet school requirements which are projected to total over \$800-million. \$90-million will be deposited into the fund over a seven year period.

"With careful management of the cash flow of the fund, it is projected that the difference between the amounts required and the \$630-million deposited can be generated by maximizing investment earnings. This same program would cost the State nearly an additional billion dollars in interest payments if the traditional bond financing means were used. Also, it would be extremely difficult to provide this level of program support through bond financing due to constitutional limitations based on the total cost of bonds outstanding.

"This special fund represents our commitment to provide the many needed facilities for our public school students.

"Thank you."

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

"I was wondering what I would say about this fund when I remembered how the businessmen came to testify. I think it is very important to recall that the Chamber of Commerce wanted us to spend the money wisely and in its opinion, its first priority this session was education. It was such a priority that David A. Heenan, the Chief Executive Officer of Theo. H. Davies and Company and Chairman of Hawaii Business Roundtable, came to the Legislature to testify, and his words were so eloquent that I would like to read his testimony back to the chamber: 'We at the Roundtable strongly support legislation that will ensure that the children of our State are provided school environments conducive to learning. This means facilities and equipment necessary for basic as well as supplementary studies, clean and safe classrooms and campus settings, school buildings that, as Governor Waihee said in his State-of-the-State address, "gleam with the pride of public education."

'Last Friday, March 10, the **Honolulu Star-Bulletin** printed a story about the annual State student conference held at Camp Erdman. The students and teachers who were interviewed were very concerned about their schools' facilities, saying it was difficult to take pride in their

schools and be encouraged to learn when they were surrounded by less than adequate facilities.

'Pride in education is what we all are trying to instill in our students. While good facilities do not guarantee a good education, poor facilities say that education is not important enough to receive the attention of State officials. We are convinced that this is not the case. We know that you, as much as your constituents, are concerned about creating the best education possible for our children.'

"That was part of the testimony by Mr. Heenan on this special fund. I think we owe it to the realization that if everyone of us would work and support measures for public education, we will achieve good educational results.

"With Mr. Heenan on that day came Ken Harding. He represented the Chamber of Commerce and both he and Mr. Heenan strongly urge that the Committee, and therefore all of us in the Legislature, support the \$90-million appropriation and to support the concept of a special fund for seven years in order to provide the facilities that we need for education.

"Thank you, Mr. Speaker."

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

"Just to share one additional comment regarding what also was testified at the same hearing on this bill, Mr. Speaker, and that is, the representative from DAGS, Mr. Nakata, was asked the question about the amounts -- why this much money and why not more money? And he answered and raised a point that caused me to reflect, and he said, 'It is very difficult at this time to find contractors sufficient enough to do that much construction at one time if we are going to have that much money every year available to the bill.' And it raised the point that causes me concern and that is, if there aren't enough contractors out there, Mr. Speaker, to do this work, I'm wondering what the price will be for the work that needs to be done and whether we're going to get as much money for our construction dollar as we deserve, and I would state that just as a general concern as this fund is implemented.

"I think, maybe we, as legislators, need to look at this a year from now and find out if there is some way that we can maybe exercise some overview from our perspective because we're putting an awful lot of money out to build these improvements, and I think we need to make sure that the money is wisely used, Mr. Speaker, and I am concerned that it may be just too much at one time and we may not get the best benefit for our dollar.

"Thank you."

At 4:03 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 4:35 o'clock p.m., Representative Apo withdrew his motion to adopt Conf. Com. Rep. No. 111 and to pass H.B. No. 1826, HD 1, SD 1, CD 1, on Final Reading, and Representative Hemmings withdrew his second to the motion.

By unanimous consent, further action on Conf. Com. Rep. No. 111 and H.B. No. 1826, HD 1, SD 1, CD 1, was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 112 on S.B. No. 31, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 113 on S.B. No. 636, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 114 on S.B. No. 1975, SD 1, HD 3, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1975, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1975 had passed Final Reading at 4:36 o'clock p.m.

Conf. Com. Rep. No. 115 on S.B. No. 1551, SD 2, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1551, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cavasso then rose and requested a conflict ruling, saying, "I have active duty military time," and the Chair ruled, "no conflict."

Representative Alcon then rose and requested a conflict ruling, saying, "I was a World War II veteran," and the Chair ruled, "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1551, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 116 on S.B. No. 1297, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1297, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Hemmings, D. Ige, Souki and Taniguchi voting no.

The Chair directed the Clerk to note that S.B. Nos. 1551 and 1297 had passed Final Reading at 4:37 o'clock p.m.

Conf. Com. Rep. No. 117 on S.B. No. 645, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 118 on S.B. No. 1165, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1165, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

THRILL CRAFT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 119 on H.B. No. 1778, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 120 on H.B. No. 604, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 121 on S.B. No. 1914, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1914, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1165 and 1914 had passed Final Reading at 4:38 o'clock p.m.

Conf. Com. Rep. No. 122 on H.B. No. 924, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 123 on H.B. No. 1535, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1535, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 124 on H.B. No. 1362, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1362, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 125 on S.B. No. 379, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 379, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1535 and 1362 and S.B. No. 379 had passed Final Reading at 4:39 o'clock p.m.

Conf. Com. Rep. No. 126 on H.B. No. 189, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 127 on S.B. No. 1805, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 128 on S.B. No. 161, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 161, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 129 on H.B. No. 15, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 130 on H.B. No. 1860, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1860, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 131 on H.B. No. 1879, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1879, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ENTERPRISE ZONES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 161 and H.B. Nos. 1860 and 1879 had passed Final Reading at 4:40 o'clock p.m.

Conf. Com. Rep. No. 132 on S.B. No. 1871, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1871, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 133 on H.B. No. 1188, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1188, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 134 on S.B. No. 1813, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1813, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 135 on S.B. No. 417, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 417, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1871, H.B. No. 1188 and S.B. Nos. 1813 and 417 had passed Final Reading at 4:41 o'clock p.m.

Conf. Com. Rep. No. 136 on H.B. No. 1844, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1844, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1844 had passed Final Reading at 4:42 o'clock p.m.

Conf. Com. Rep. No. 137 on S.B. No. 1374, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1374, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, I think this bill has a lot of good things in it but there are a couple of things which disturb me which perhaps we may take a close look at them for coming sessions down the road.

"The first has to do with the area of indicating by statute that clarifies that the Condominium Association Boards now clearly have the power to borrow money for purposes of maintenance, operating expenses, et cetera. And although, probably under the law, they may have that power now, this clearly gives them that power and it also sets the standard for approval for such loans or such granting of such power to the board at just over fifty percent of the common interest, and my concern there is that I think perhaps that's too low a standard, and I am also concerned that we are here clearly giving them that power to borrow. I think it could cause some problems with a number of boards down the road.

"The other area also has to do with the area of potential reimbursement, directors' fees, et cetera. This bill now clearly indicates that the boards can direct funds for officers and board members for fees and expenses at a level of fifty percent plus one in terms of approval from the owners, but again, I think we are treading here on some dangerous ground and maybe going a little too far with these standards and perhaps we can look at raising the approval standards in the future.

"Finally, we do deal with pets again in this bill and I just have doubts as to whether or not we should have entered into the area at all.

"For those reasons, Mr. Speaker, I hope we keep a close eye on this for the future.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1374, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MULTIPLE UNIT DWELLINGS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

The Chair directed the Clerk to note that S.B. No. 1374 had passed Final Reading at 4:44 o'clock p.m.

Conf. Com. Rep. No. 138 on H.B. No. 1476, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1476, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative O'Kieffe then rose to speak in favor of the bill, stating:

"Mr. Speaker, the purpose of this bill is to allow those who would aid runaways to do so without the threat, much less the actuality, of a civil suit for the mere fact of having extended a helping hand to a needy child.

"There is real need for legislation which will prevent those who shelter runaways from being sued solely for having given aid to them. The lack of such protection has a chilling effect on the offering of help to runaway children in need of shelter. Without such a bill, those who help these children risk getting sued for their trouble. I know -- it happened to my family. We chose to help one and we got sued for our trouble. Nonetheless, we'd do it again.

"Mr. Speaker, of the more than one million youngsters between the ages of ten and seventeen who run away from home each year, nationwide, tens of thousands simply disappear. One sad statistic is that after 48-hours on the streets, one in ten teenagers is likely to become a prostitute. Another is that federally-funded shelters serve only about five percent of the runaway population.

"House Bill 1476 is a good bill. It balances the rights of the parents with the rights of runaways and their potential good samaritans. It does not limit liability for negligence, or worse, for inducing a child to live a stair away from home. What it does do is make a statement that in Hawaii, people will not be punished for the mere act of giving shelter to a troubled youngster.

"I want to thank Chairman Metcalf who recognized the importance of this bill's intent and effect. Your 'aye' vote now will be a vote of hope for good samaritans, past and present, who care to help a kid who, all too often, is powerless to help him or herself.

"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. 1476, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 139 on H.B. No. 662, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 662, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LAW," having been read throughout, passed

Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

The Chair directed the Clerk to note that H.B. Nos. 1476 and 662 had passed Final Reading at 4:46 o'clock p.m.

Conf. Com. Rep. No. 140 on S.B. No. 653, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 141 on H.B. No. 62, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 142 on H.B. No. 362, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 143 on S.B. No. 667, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 143 and S.B. No. 667, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 144 on H.B. No. 1854, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

THIRD READING

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

S.B. No. 38:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 38, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 100:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 100, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT PRACTITIONERS," passed Third Reading by a vote of 51 ayes.

S.B. No. 431, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 431, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 51 ayes.

S.B. No. 654, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 654, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," was recommitted to the Committee on Judiciary.

S.B. No. 1830:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. S.B. No. 1830, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1816, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1816, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIMS CONCILIATION PANEL," passed Third Reading by a vote of 51 ayes.

S.B. No. 753:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," passed Third Reading by a vote of 51 ayes.

S.B. No. 739:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 739, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 51 ayes.

S.B. No. 36:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 36, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 15:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 15, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading by a vote of 51 ayes.

S.B. No. 113, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 113, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 905, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 905, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1872:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1872, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 38, 100, 431, 654, 1830, 1816, 753, 739, 36, 15, 113, 905 and 1872 had passed Third Reading at 4:47 o'clock p.m.

S.B. No. 966:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 966, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PHYSICAL THERAPISTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 963:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 963, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DENTAL LICENSURE," passed Third Reading by a vote of 51 ayes.

S.B. No. 297, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 297, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 51 ayes.

S.B. No. 308:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 308, 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. 869, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 869, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1949, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1949, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1860:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1860, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 1428:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1428, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 299, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 299, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

S.B. No. 959, SD 2:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 959, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1819:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO HEARING AIDS," passed Third Reading by a vote of 51 ayes.

S.B. No. 54, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 54, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Third Reading by a vote of 51 ayes.

S.B. No. 964:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 964, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1190, SD 2:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1190, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISAL," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 966, 963, 297, 308, 869, 1949, 1860, 1428, 299, 959, 1819, 54, 964 and 1190 had passed Third Reading at 4:48 o'clock p.m.

S.B. No. 514:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 514, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 51 ayes.

S.B. No. 770, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 770, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GRANT OF A FRANCHISE FOR THE ISLAND OF MOLOKAI TO MOLOKAI ELECTRIC COMPANY, LIMITED," passed Third Reading by a vote of 51 ayes.

S.B. No. 1426, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 1426, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEPHONE SERVICE," passed Third Reading by a vote of 51 ayes.

S.B. No. 592:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 592, entitled: "A BILL FOR AN ACT RELATING TO

INDUSTRIAL LOAN COMPANIES," passed Third Reading by a vote of 51 ayes.

S.B. No. 368, SD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 368, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM HOTEL OPERATORS," passed Third Reading by a vote of 51 ayes.

S.B. No. 659:

On motion by Representative Apo, seconded by Representative Hemmings and carried, S.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE OF HOSPICE CARE PROGRAMS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 514, 770, 1426, 592, 368 and 659 had passed Third Reading at 4:49 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1764) recommending that S.B. No. 20 pass Third Reading.

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1765) recommending that S.B. No. 25 pass Third Reading.

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1766) recommending that S.B. No. 1465, SD 2, pass Third Reading.

By unanimous consent, action was deferred until Wednesday, April 26, 1989.

At 4:50 o'clock p.m., Representative Hiraki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:17 o'clock p.m.

Representatives Bunda, Hagino and Oshiro, for the Committees on Ocean and Marine Resources; Water and Land Use; and Transportation, presented a report (Stand. Com. Rep. No. 1767) recommending that S.C.R. No. 185 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 185, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINE FUELING FACILITY AND OTHER SERVICES," was adopted.

Representatives Bunda, Hagino and Oshiro, for the Committees on Ocean and Marine Resources; Water and Land Use; and Transportation, presented a report (Stand. Com. Rep. No. 1768) recommending that S.C.R. No. 187 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 187, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF, BY LEASE, CERTAIN SUBMERGED AND TIDAL LANDS FOR THE PURPOSE OF A SHIPYARD AND MARINE-RELATED FACILITY," was adopted.

Representatives Bunda, Hagino and Oshiro, for the Committees on Ocean and Marine Resources; Water and Land Use; and Transportation, presented a report (Stand. Com. Rep. No. 1769) recommending that S.C.R. No. 189 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION AND/OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DISPOSE OF, BY LEASE, CERTAIN SUBMERGED AND TIDAL LANDS FOR THE PURPOSE OF A CABLE SHIP TERMINAL AND STORAGE FACILITY," was adopted.

Representatives Tom and D. Ige, for the Committees on Intergovernmental Relations and International Affairs and Economic Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1770) recommending that H.R. No. 235 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 235, entitled: "HOUSE RESOLUTION URGING CONGRESS TO TAKE ACTION ON DISCLOSURE BY FOREIGN INVESTORS," was adopted.

Representatives Tom and Arakaki, for the Committees on Intergovernmental Relations and International Affairs and Human Services, presented a joint report (Stand. Com. Rep. No. 1771) recommending that H.R. No. 163, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 163, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE UNITED STATES DEPARTMENT OF STATE TO PROVIDE AID TO HOMELESS CHILDREN IN THE PHILIPPINES," was adopted.

Representatives Tom and Arakaki, for the Committees on Intergovernmental Relations and International Affairs and Human Services, presented a joint report (Stand. Com. Rep. No. 1772) recommending that S.C.R. No. 258, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 258, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ESTABLISH AFTERSCHOOL CHILD CARE CENTERS," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1773) recommending that H.R. No. 395 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 395, entitled: "HOUSE RESOLUTION RECOGNIZING THE CONTRIBUTION OF THE CANADA-FRANCE-HAWAII TELESCOPE, THE UNITED KINGDOM INFRARED TELESCOPE, AND THE NASA INFRARED TELESCOPE TO AND ENDORSING THE EXPANSION OF HAWAII'S INTERNATIONAL ROLE IN ASTRONOMY," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1774) recommending that H.R. No. 406 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 406, entitled: "HOUSE RESOLUTION RECOGNIZING THE SIGNIFICANCE AND IMPORTANCE OF THE STATUE OF FREEDOM AS A SYMBOL OF WORLD PEACE AND FREEDOM," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1775) recommending that H.R. No. 405, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 405, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE INTERIOR TO CONDUCT ITS OWN INVESTIGATION OF THE RECOVERY OF HOMESTEAD LAND AT LUALUALEI AND KEAUKAHA," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1776) recommending that H.R. No. 388 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 388, entitled: "HOUSE RESOLUTION REQUESTING THAT CONGRESS OF THE UNITED STATES OF AMERICA CEASE IMPLEMENTATION OF THE MEDICARE CATASTROPHIC EXPANSION ACT OF 1988 AND PROVIDE FURTHER STUDY BEFORE CONTINUANCE," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1777) recommending that H.R. No. 101, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 101, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO CONSIDER RELOCATION OF U.S. MILITARY BASES IN OKINAWA TO OTHER AREAS," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1778) recommending that H.R. No. 234 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 234, entitled:

"HOUSE RESOLUTION URGING THE COUNTIES TO RESTRUCTURE THEIR REAL PROPERTY TAX TO PROVIDE RELIEF FOR LONG-TIME HOMEOWNERS AND DISCOURAGE SPECULATIVE BUYING," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1779) recommending that S.C.R. No. 37, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 37, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A BAN ON NUCLEAR WEAPONS TESTING," was adopted, with Representative Cavasso voting no.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1780) recommending that S.C.R. No. 151, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 151, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING FINANCIAL ASSISTANCE FOR STATE PARTICIPATION IN FEDERAL REGULATORY PROCEEDINGS," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1781) recommending that S.C.R. No. 274, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 274, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO EXPLORE INTEGRATING THE STATE INFORMATION NETWORK WITH FEDERAL INFORMATION SERVICES," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1782) recommending that S.C.R. No. 248 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 248, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ASSOCIATION OF PACIFIC ISLAND LEGISLATURES TO ADMIT HAWAII AS A MEMBER STATE," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1783) recommending that S.C.R. No. 252, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 252, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING GOVERNOR WAIHEE TO DECLARE SUGI RYOTARO AN HONORARY CITIZEN OF THE STATE OF HAWAII," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs,

presented a report (Stand. Com. Rep. No. 1784) recommending that S.C.R. No. 204, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 204, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO ESTABLISH A SISTER-STATE/PROVINCE RELATIONSHIP WITH THE PROVINCE OF TAIWAN," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1785) recommending that S.C.R. No. 5 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION URGING PROMPT PAYMENT OF REPARATIONS TO JAPANESE-AMERICAN INTERNEES," was adopted.

Representative Tom, for the Committee on Intergovernmental Relations and International Affairs, presented a report (Stand. Com. Rep. No. 1786) recommending that S.C.R. No. 112 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 112, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO URGE THE CENSUS BUREAU TO OBTAIN UP-TO-DATE INFORMATION ON THE PACIFIC ISLANDS," was adopted.

Representative Hagino, for the majority of the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1787) recommending that S.C.R. No. 101 be adopted.

Representative Apo moved that the report of the majority of the Committee be adopted and S.C.R. No. 101 be adopted, seconded by Representative Hemmings.

Representative Hiraki then rose to speak against the resolution, stating:

"Mr. Speaker, last year we appropriated \$26-million to find a suitable site to relocate the Legislature during the asbestos removal project.

"Mr. Speaker, what we are building for \$26-million is a procrustean bed in the form of the Galen Building. In fact, the Galen Building is such a curious selection. To me, it raises certain questions.

"To begin with, why are we building a 16-story building that will have a total of only 35 parking stalls? Why did we select the building site that is so small that now complaints are arising that the Galen Building office, conference room and main chamber size will be inadequate?

"Mr. Speaker, when we are concerned about the traffic problems and the shortage of parking in downtown, and when we are passing resolutions aimed at decentralizing State government, why are we adding another State building which will centralize State government even more and add to these traffic and parking problems in downtown?

"Mr. Speaker, why wasn't there more of an opportunity for public and legislative input in the search for possible

sites, or why wasn't the alternative of renting an existing structure such as the Blaisdell Center even explored?

"Mr. Speaker, finally, why is the State building on prime public land 150 to 225 private parking stalls for a private corporation? When people ask about the scarcity of public stalls near the Capitol in downtown, how does one explain that the State cannot build more public stalls but somehow has found this prime space to build 150 to 225 private stalls?

"In terms of the Galen Building, we may be dealing with a fair complei because even if we disapprove the State providing these private parking stalls as set forth in this resolution, the Galen Building will still be constructed.

I hope that the executive agencies would begin to consult more often with the legislative branch and ask for our opinions on projects with the hope that our suggestions may help to sidestep many problems. We should do this type of consultation before deals are done and contracts are signed and sealed. I think that we are very proud to all be here, to be legislators, and many of us believe that when things are done without sensitivity to the process or to the concerns of legislators, this reflects badly upon the whole institution.

"Thank you very much, Mr. Speaker."

Representative Isbell then rose to speak against the resolution, stating:

"What we're really doing is buying air for free State land and if you understand exactly that this is an exchange of air for free parking stalls on State land. It's easier than to understand this whole thing. We are giving Mr. Hemmeter 65 years free use of State land in return for his air space. The Galen Building is too tall for the zoning and so we had to finagle some air space.

"The appraisal was even questionable because not too many appraisers appraise air, and we had a lot of fun with five hours of hearings trying to determine how much that appraisal was really worth. It was questionable and there was an excellent appraiser there who brought up some questions on the appropriateness of the \$3-million worth of air. We're not really sure that that air was worth \$3-million. At a time of State surplus, we should pay the \$3-million and forget this whole thing.

"I urge you to vote down this resolution and we can get the parking structure built and provide the parking for Iolani Palace and the new State building otherwise known as the Galen Parcel. Do not exchange this air.

"If we disapprove of this exchange, the State still gets the Parcel, we get the Galen Building, and we can still have a parking structure built for use entirely by the public, those who park at Iolani Palace, and those going to the new State building. The State pays for the air -- the \$3-million -- and the future legislators and we do not spend the next 65 years trying to explain to the public why Mr. Hemmeter received free, up to 225 parking stalls, for use on State land. He builds it but he does get the use of them free.

"Let's keep it clean. Let's disapprove of this exchange, and we still get the State building and we're home free.

"Thank you very much."

Representative O'Kieffe then rose to speak against the resolution, stating:

"Mr. Speaker, S.C.R. No. 101 is a concurrent resolution reviewing the action taken by the Board of Land and Natural Resources on the exchange of partial interest in public land for private land. Noticing that the blue crane is already in place and work has begun, I'm going to guess that no matter what this body does today, the work is going forward. If that is so, it makes this resolution a meaningless charade and subverts our legislative responsibility for oversight.

"Adoption of this resolution would signify that the contract between the State and Hemmeter Investment Company had been in the resolution's own words '...reviewed by the Legislature and not disapproved.' Yet, that contract was not offered at the Committee hearings on this resolution. I think that we should have the opportunity to read and review this contract before adopting any measure which states that we have done so. This is especially important when that contract obligates the State for payouts of over \$26-million now and extends some 65 years into the future.

"In addition, Mr. Speaker, I am concerned about this action because of the danger of favoritism being shown or appearing to be shown in several areas. For instance, questions remain about the standards and method employed in choosing an appraiser as well as the credentials. The State relied on one person for a determination of a very complex value of the property rights the State would purchase from Hemmeter Investment Company. As nearly as I can ascertain, the appraiser's fee has not yet been publicly disclosed. A related concern springs from hearing testimony that an employee of this bastion may also represent the interest of the private party.

"How was the value of the air rights determined? The county appraisal for land and building totals \$1.8-million. Of course, the building is a liability since the State has to tear it down but if the county appraisal bears any close relation to fair market value, then the State has determined that the density credit and height stepback benefits are worth approximately \$3.47-million. It may be that the State got a terrific buy at this price but it does seem to me that we ought to investigate those evaluations before we put our implementure on them as approval of this resolution will have us do.

"Why is the State guaranteeing Hemmeter Investment Company 65 years of free rent for up to 225 parking stalls within a two-block radius of the Hemmeter Investment Company-owned old YMCA? Although we are told that the agreement calls for Hemmeter Investment Company 'to pay its pro rata share of the cost of constructing or acquiring the parking improvements,' according to DAGS' testimony, that cost should be somewhere between \$3.4-million and \$5.2-million. In the meantime, if downtown parking stalls are worth one hundred dollars a month, Hemmeter Investment Company's 225 free stalls for 65 years will cost the State \$17.5-million in lost income and that's at today's rate.

"This would, of course, be in addition to the \$26.8-million the State would have paid Hemmeter Investment Company for the property with the new office tower constructed. And where are we going to park? Certainly not in that 35-stall building.

"Parts of this resolution may be okay but other parts are in real need of reworking. Furthermore, there may be some typos. For instance, the third paragraph of the resolution says that Act 216 of the 1987 Session Laws of Hawaii, Item K-18 appropriated money to acquire land and office space within the Hawaii Capital district for temporary relocation and permanent office space. According to the Session Laws themselves however, Item

K-18 is operating funds to be expended by AGS for records management program.

"If you feel as I do, this resolution deserves better drafting. If you take our responsibility for legislative oversight as seriously as I do, then please join me in voting no on this S.C.R. 101.

"Thank you, Mr. Speaker."

Representative Say then rose and stated:

"It seems like I am the bad guy this afternoon.

"Mr. Speaker, I rise to speak in favor of Senate Concurrent Resolution No. 101.

"A number of my colleagues have tried to discredit the Administration's efforts to exchange a partial interest in public land for the Galen Parcel owned by the Hemmeter Investment Company. True, the terms of this transaction are novel, innovative, and that is why, perhaps, there lays the seeds of suspicion.

"Although the deal appears too good to be true, it is in fact good for everyone concerned here this afternoon. It is indeed a rare WIN-WIN situation for all of us.

"We are being asked to approve the proposed land exchange between Hemmeter and the State which involves, first, Hemmeter transferring to the State a portion of the development rights from the former YMCA property to permit the State to construct a larger State Office Tower on the Galen Parcel.

"Secondly, the State is issuing to Hemmeter a 65-year lease which would permit him to construct 150 to 225 parking stalls. And let me say this, for the record, at his cost. The figures have not been negotiated yet but you know the minimum of 150, the maximum 225.

"This afternoon's comments here tell the Administration now that maybe the negotiation should come down to about 150, if that's what our colleagues want instead of the 225.

"The State's appraiser has indicated the value of the development rights received from Hemmeter to be approximately \$3-million while a particular citizen, opposed to the project, valued it at only \$1.2-million. This was brought up at the two public hearings that the Water, Land Use Committee held this past session. Even if we were to assume that the lower value is correct, the State would still be receiving substantially more than what it is giving out at this point.

"The State's appraiser, which some of us are questioning his credibility and his qualifications, has indicated the value of the 65-year lease from the State is based on an income approach -- income approach, I might state that again, is zero. At first glance, this may not appear to be correct and it therefore gives the appearance that the State is being hoodwinked by Mr. Hemmeter. However, on closer examination, this zero valuation makes sense. It says that if the State were to construct the 150 to 225 parking stalls and to lease them to the public, even at commercial rates, the State would be losing money for the next 65 years.

"These are my own calculations for each stall which I would try to show you right now: The income would be \$1,560 per year based on a \$130 a month stall for 12 months. The expenses, which is \$18,000 a stall for above parking lot stalls -- \$18,000, that's the construction costs. \$1,620 interest expense times \$18,000 by 9 percent per year; there's \$234 operating expense which is equivalent

to about \$1,560 times 15 percent, and the question of repair and maintenance, which comes out to our total expense of \$1,854 a year. In the case of the underground stalls, which we were talking about also, it costs the State or the private developer at this point, \$23,000 for one underground parking unit; \$2,070 would be the interest expense of \$23,000 by 9 percent; \$234 operating expense which is \$1,560 times 15 percent; and the question mark once again on what is the cost for repair and maintenance of that parking stall. The total expense for an underground parking stall would come out to \$2,304.

"Therefore, Mr. Speaker, the State would lose at least \$294 a year when you subtract the income of \$1,560 from \$1,854 for each above ground stall, and \$744 per year for the below ground stall when you subtract \$1,560 from \$2,304. This is why the State's appraiser said the value of the lease if zero.

"Mr. Speaker, all of us here who use the parking stalls at the State Capitol realize our underground parking lot stalls are one of the cheapest in this town. I believe I am paying \$30 a month at this point where on the outside, private sector is over \$100.

"The conclusion then is that the State will save money by allowing Hemmeter to develop these parking stalls, and I would ask all of my colleagues to urge the House for approval of this resolution.

"There has been a lot of input, Mr. Speaker, and I wish to be very candid with you and fair and honest, that more members should attend public hearings. To be very honest with you, it is at these public hearings that all of us would get the information that we do require. I am sorry to say that some of my colleagues do not agree with me this afternoon, and I've brought it up with the Committee Chairwoman, Representative Fukunaga, that Legislative Management should conduct a public hearing on this particular issue because it is such a major issue.

"What I cannot see, Mr. Speaker, at this time, is the Legislature disapproving this particular resolution when, in good faith, both parties are trying to negotiate for the best public interest.

"Thank you very much, Mr. Speaker."

Representative Isbell, in rebuttal, stated:

"The question is not how much the State is going to lose or to use. The question really is -- where do the people park? The number of stalls that will be used by a private organization will not become available to the general public who would be visiting the State building, or the State Capitol, or had been using the Iolani Palace.

"If one of the reasons that people cannot have access to the Legislature is because there is a lack of parking, then we should be providing more of that whether it cost the State or not. It should be something that we really seriously consider, and disapproving the resolution does not stop anything that's ongoing right now which includes the building and the future State building.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.C.R. No. 101, entitled: "SENATE CONCURRENT RESOLUTION REVIEWING THE ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON THE EXCHANGE OF A PARTIAL INTEREST IN PUBLIC LAND FOR PRIVATE LAND," was adopted, with Representatives Amaral, Arakaki, Bybee, Hayes,

Hiraki, Hirono, Isbell, Metcalf, O'Kieffe, Oshiro, Shon, Tam and Taniguchi voting no.

Representative Hagino, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1788) recommending that S.C.R. No. 169, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 169, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING TO REPORT ON THE HONOLULU WATERFRONT FINAL MASTER PLAN," was adopted.

Representative Hagino, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1789) recommending that S.C.R. No. 180, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 180, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING THE HISTORIC, CURRENT, AND FUTURE USE OF KALAWAHINE, OAHU," was adopted.

Representative Hagino, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1790) recommending that H.R. No. 247, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 247, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO DEVELOP TAX INCENTIVES TO ENCOURAGE THE PROTECTION OF WATERSHEDS," was adopted.

Representatives Hagino and Tom, for the Committees on Water and Land Use and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1791) recommending that H.R. No. 246, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 246, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY COUNCILS TO DEVELOP TAX INCENTIVES TO ENCOURAGE THE MANAGEMENT OF WATERSHEDS ON PRIVATE LAND," was adopted.

Representatives Hagino and D. Ige, for the Committees on Water and Land Use and Economic Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1792) recommending that H.R. No. 284 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 284, entitled: "HOUSE RESOLUTION URGING NEGOTIATIONS BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND PROPERTY OWNERS OF ANCIENT HAWAIIAN HEIAUS FOR THE PURPOSES OF PROMOTING GREATER PUBLIC APPRECIATION FOR AND EDUCATION OF HAWAIIAN CULTURE," was adopted.

Representatives Hagino and D. Ige, for the Committees on Water and Land Use and Economic Development and Hawaiian Affairs, presented a joint report (Stand. Com.

Rep. No. 1793) recommending that S.C.R. No. 203, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 203, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO EVALUATE THE DESIRABILITY OF DEVELOPING AND ESTABLISHING A FILM PRODUCTION CENTER AND ENTERTAINMENT PARK," was adopted.

Representatives Hagino and Cachola, for the Committees on Water and Land Use and Tourism, presented a joint report (Stand. Com. Rep. No. 1794) recommending that S.C.R. No. 168, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 168, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROVIDE A STATUS REPORT ON THE TRANSFER OF CERTAIN SAND ISLAND PARK LANDS TO THE CITY AND COUNTY OF HONOLULU," was adopted.

Representatives Hagino and Metcalf, for the Committees on Water and Land Use and Judiciary, presented a joint report (Stand. Com. Rep. No. 1795) recommending that S.C.R. No. 239 be adopted.

Representative Apo moved that the joint report of the Committees be adopted and S.C.R. No. 239 be adopted, seconded by Representative Hemmings.

Representative Cavasso then rose to speak in favor of the resolution, stating:

"This bill will help open more trails in our State and encourage people who are on adjoining properties to leave their trails open for others to use. . . for hikers and it's good in that, and I just add a statement -- let's just keep the naked people off. And that's all.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.C.R. No. 239, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE OFFICE OF THE ATTORNEY GENERAL TO REPORT ON LIABILITY ISSUES RELATING TO USE OF STATE TRAILS AND ACCESSES," was adopted.

Representatives Hagino and Cachola, for the Committees on Water and Land Use and Tourism, presented a joint report (Stand. Com. Rep. No. 1796) recommending that S.C.R. No. 241 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 241, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE A STATUS UPDATE ON THE DEVELOPMENT OF THE KEEHI LAGOON SUBAREA IN THE HONOLULU WATERFRONT PLAN," was adopted.

Representatives Hagino and Bunda, for the Committees on Water and Land Use and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep.

No. 1797) recommending that S.C.R. No. 243, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 243, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING TO INCLUDE A MARINE EDUCATION AND TRAINING CENTER IN THE WATERFRONT MASTER PLAN," was adopted.

Representatives Hagino and Tom, for the Committees on Water and Land Use and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1798) recommending that S.C.R. No. 100 be adopted.

Representative Apo moved that the joint report of the Committees be adopted and S.C.R. No. 100 be adopted, seconded by Representative Hemmings.

Representative Apo then rose to speak against the resolution, stating:

"Mr. Speaker, largely I am supportive of acquiring Kapalama Military Reservation, I am supportive of the Waterfront Development Plans, and my 'no' vote on this resolution is largely symbolic.

"Mr. Speaker, when I look at the history of the relationship between the Territory of Hawaii and the federal government and the State of Hawaii and the federal government, here is what we have: We have one-third of all the land in the State under control of the federal government, largely by the military. Vast acreages of these lands are choice lands -- Pearl Harbor, portions of Kaneohe Bay, even Keehi Lagoon is controlled by the FAA with respect to what the State can or cannot do there, Hickam Air Force Base, Lualualei Naval Ammunition Depot, Kahoolawe, Fort Shafter, Pohakuloa, Camp Smith, Barking Sands, Barbers Point.

"Mr. Speaker, in my opinion, I think the federal government, after all these years of using some native Hawaiian land that lies as part of the ceded land trust and State land with the value that they have received since we were a territory, I think they ought to give us the Kapalama area. I think the time has to come, Mr. Speaker, when we, to the extent that we can, stand up and look at the value that we have been able to provide the federal government in support of the defense effort for the occupation of these lands.

"The thing I object most to is many of these parcels were taken by Executive Order where we had no choice. In the case, for instance, of Makua Valley, that land was supposed to be returned to the State of Hawaii upon the completion of World War II. Well, it's been a few years since that war has ended and we still see no indication; in fact, we are discouraged for ever expecting to get Makua Valley back.

"So, I, symbolically, really have a problem of paying millions and millions of dollars of Hawaii taxpayers' money after the kind of support that our people and this State has provided the federal government in maintaining their military installations in Hawaii, and I really hope that they might consider -- although it's a pie in the sky -- giving it back to us.

"Thank you, Mr. Speaker."

Representative Amaral then rose and stated:

"Mr. Speaker, I also rise in opposition of Senate Concurrent Resolution 100 and ask that the Majority Floor Leader's comments be entered into the Journal as though they were my own."

The Chair "so ordered." (By reference only)

Representative Peters then rose and stated:

"Mr. Speaker, I also rise to speak against Senate Concurrent Resolution No. 100 and embrace the remarks made by our Majority Floor Leader with one possible addendum. And that is, Mr. Speaker, I personally feel that whenever government takes land from people and, in this particular case, this land belongs to a Hawaiian organization; whenever land is taken by government, be it the City and County, be it the State of Hawaii, be it the federal government for what is termed 'public purpose,' and that public purpose changes, as in this case it is very clear that the military is now considering this surplus but, nonetheless, it used its powers of eminent domain to take those lands from a private agency, be it John Doe on the street or anyone else, I personally feel that those lands should be returned and first consideration be given to those whom these lands were taken from.

"That's the only addendum that I wanted to make in reference to the Majority Floor Leader's remarks.

"Thank you, Mr. Speaker."

Representative Hemmings then rose and stated:

"Mr. Speaker, I concur, and rise to speak against the resolution.

"Mr. Speaker, it seems that the Majority Floor Leader's comments were right on the mark and I want the record to reflect that I do concur with him, that it is unconscionable that we have to spend \$90-million or more of Hawaii's peoples money to buy back our own land and, therefore, I am voting no against this resolution and will have something further to say about the \$90-million expenditure when it comes up.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION'S ASSISTANCE IN THE ACQUISITION OF LAND AT THE KAPALAMA MILITARY RESERVATION," was adopted, with Representatives Amaral, Apo, Hemmings, M. Ige, Leong, Liu and Peters voting no.

Representatives Tam and Oshiro, for the Committees on Education and Transportation, presented a joint report (Stand. Com. Rep. No. 1799) recommending that H.R. No. 172, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 172, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A RESOLUTION OF PROBLEMS ASSOCIATED WITH THE TRANSPORTATION OF SCHOOL BANDS AND OTHER STUDENT GROUPS FOR CO-CURRICULAR ACTIVITIES," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1800) recommending that H.R. No. 398, as amended in HD 1, be adopted.

Representative Apo moved that the report of the Committee be adopted and H.R. No. 398, HD 1, be adopted, seconded by Representative Hemmings.

Representative O'Kieffe rose to speak in favor of the resolution, stating:

"Mr. Speaker, we are one of the very few states that has the 'no pass/no play' rule. Ten percent of our population has a learning disability of varying intensities and all too often this is manifested in the inability to achieve high grades. But, unfortunately, this is the system we have.

"To punish youngsters who cannot maintain a C average by not allowing them to participate in sports or activities, suggests that an antiquated grading system is more important than building character.

"Mr. Speaker, 70 percent of our present population have learning disabilities. Did they break the law because they were trying to prove themselves the only way they knew how? Was it from the frustration from being called 'dummy'? After all, Mr. Speaker, if you hear something long enough, you begin to believe it.

"But, most of all, Mr. Speaker, if a person can graduate with a 1.6 average, does it make sense that you can't build character with a 1.9?

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 398, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A REPORT ON THE POLICY OF 'NO PASS/NO PLAY,'" was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1801) recommending that H.R. No. 380 be adopted.

Representative Apo moved that the report of the Committee be adopted and H.R. No. 380 be adopted, seconded by Representative Hemmings.

Representative Arakaki then rose to speak in favor of the resolution, stating:

"I just wanted to inform the members that the week of May 7 through May 13 of this year will be proclaimed Teacher Appreciation Week in Hawaii, and it will give us an opportunity to show the teachers of the State how much their efforts are appreciated. And I hope all the members would join me in looking for ways to show our teachers how much we appreciate them. This is a time for the recognition of the contributions of public school teachers to the development of their communities and their influence on the lives of the people of this State.

"So, in whatever way possible, whatever way you can find, I hope you will show some appreciation for our public school teachers.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 380, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DECLARE THAT THE SECOND WEEK OF MAY HENCEFORTH BE DESIGNATED TEACHER APPRECIATION WEEK," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1802)

recommending that H.R. No. 271, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 271, HD 1, entitled: "URGING THE CONSIDERATION OF A SHIFT IN SCHOOL DISCIPLINARY POLICY TO EMPHASIZE THE USE OF IN-SCHOOL SUSPENSION AND REQUESTING A STUDY OF IN-SCHOOL SUSPENSION AND OTHER FORMS OF DISCIPLINE," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1803) recommending that H.R. No. 366 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 366, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A STUDY OF THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1804) recommending that H.R. No. 389, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 389, HD 1, entitled: "REQUESTING A CONSIDERATION OF THE FEASIBILITY OF HAVING EMPLOYERS PROVIDE WORKERS THE OPPORTUNITY TO PARTICIPATE IN SCHOOL/COMMUNITY-BASED MANAGEMENT DURING NORMAL WORKING HOURS," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1805) recommending that H.R. No. 401, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 401, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EMPHASIZE COMMUNITY SERVICE AMONG HIGH SCHOOL STUDENTS," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1806) recommending that H.R. No. 404, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 404, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE SELECTION PROCESS FOR PRINCIPALS AND PROPOSE POSSIBLE ALTERNATIVES TO ENHANCE THE SCHOOL BASED MANAGEMENT SYSTEM," was adopted.

Representative Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1807) recommending that H.R. No. 402, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 402, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE

DEPARTMENT OF EDUCATION TO STUDY THE PURPOSE AND STRUCTURE OF THE SCHOOL ADVISORY COUNCILS AND RECOMMEND WAYS TO MAKE THEM MORE RESPONSIVE TO LOCAL SCHOOLS," was adopted.

Representative Bunda, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1808) recommending that S.C.R. No. 242 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 242, entitled: "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT ON THE ECOLOGICAL AND ENVIRONMENTAL IMPACT OF CERTAIN ACTIVITIES IN MARINE CONSERVATION AREAS," was adopted.

Representatives Bunda and Taniguchi, for the Committees on Ocean and Marine Resources and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1809) recommending that S.C.R. No. 125, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 125, SD 1, entitled: "ENDORING THE CONCEPT OF A NATIONAL OCEAN RESOURCES LABORATORY AND REQUESTING THE PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH TO DEVELOP A PLAN AND PROPOSAL FOR ESTABLISHMENT OF THE LABORATORY IN HAWAII," was adopted.

Representatives Bunda and Tom, for the Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1810) recommending that S.C.R. No. 113, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 113, SD 1, entitled: "URGING A REVIEW AND EXAMINATION OF THE PRESIDENTIAL TWELVE MILE TERRITORIAL SEA PROCLAMATION'S EFFECTS ON DOMESTIC LAW AND FEDERAL/STATE RIGHTS AND RESPONSIBILITIES AND URGING THE FORMATION OF A NATIONAL OCEANS POLICY COMMISSION," was adopted.

Representatives Bunda and Tom, for the Committees on Ocean and Marine Resources and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1811) recommending that S.C.R. No. 3, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 3, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DISCOURAGE THE GOVERNMENT OF JAPAN FROM THE DISPOSING OF RADIOACTIVE WASTE IN THE MARIANAS TRENCH," was adopted.

Representative Hayes, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1812) recommending that S.C.R. No. 144, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 144, SD 1,

entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO SET ASIDE LAND IN EACH OF ITS MASTER PLANNED COMMUNITIES FOR THE DEVELOPMENT OF SELF-HELP HOUSING CONSTRUCTION PROGRAMS," was adopted.

Representatives Hayes and Tom, for the Committees on Housing and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1813) recommending that S.C.R. No. 193, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 193, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FINAL RULING PREEMPTING STATE PREVAILING WAGE RATES FOR WORKERS INVOLVED IN PUBLIC OR INDIAN HOUSING PROJECTS," was adopted.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1814) recommending that S.C.R. No. 170, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 170, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO PROVIDE A STATUS REPORT ON THE HAWAII VISITORS BUREAU'S FIELD OFFICES," was adopted.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1815) recommending that S.C.R. No. 244, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 244, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO PROVIDE AN ANALYSIS OF HAWAII'S TOURISM 'BASE MARKETS'," was adopted.

Representatives Hirono and Fukunaga, for the Committees on Consumer Protection and Commerce and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1816) recommending that S.C.R. No. 73, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 73, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO EVALUATE THE TEACHER STANDARDS BOARD PROPOSED IN SENATE BILL NO. 896, SENATE DRAFT 1," was adopted.

Representatives Hirono, Shon and Fukunaga, for the majority of the Committees on Consumer Protection and Commerce; Health; and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1817) recommending that S.C.R. No. 24, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 24, SD 1, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING AN ASSESSMENT OF THE SOCIAL AND FINANCIAL IMPACT OF MANDATING INSURANCE COVERAGE FOR NATUROPATHIC MEDICAL CARE," was adopted.

Representatives Takamine and Fukunaga, for the Committees on Labor and Public Employment and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1818) recommending that S.C.R. No. 232, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 232, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A COMPREHENSIVE STUDY ON THE IMPACT OF ADDING A NEW CLASSIFICATION (CLASS VII) FOR TEACHERS IN THE PUBLIC SCHOOL SYSTEM," was adopted.

Representatives Andrews and Tom, for the Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1819) recommending that S.C.R. No. 98 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 98, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE ESTABLISHMENT OF A NATIONAL POLICY FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY," was adopted.

Representatives Andrews and Tom, for the Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1820) recommending that S.C.R. No. 109 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INVESTIGATE AND INTRODUCE APPROPRIATE LEGISLATION TO CLARIFY THE ROLE OF THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) IN HAWAII, IN LIGHT OF THE RECENT DECISION BY THE U.S. CIRCUIT COURT OF APPEALS IN COOLEY V. FERC (D.C. CIR. 1988)," was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1821) recommending that S.C.R. No. 178, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ISSUANCE OF DECLARATORY RULINGS BY THE ENVIRONMENTAL COUNCIL," was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1822) recommending that S.C.R. No. 261 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 261, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S OFFICE OF INFORMATION AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST IN THE COLLECTION OF INFORMATION AND PHOTOGRAPHS REGARDING NATIVE HIBISCUS," was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1823) recommending that S.C.R. No. 36, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 36, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATURAL AREA SYSTEM COMMISSION TO SELECT AND RECOMMEND TO THE BOARD OF LAND AND NATURAL RESOURCES AN APPROPRIATE NATURAL RESERVE AREA TO BE DEDICATED IN HONOR OF THE LATE DR. WAYNE GAGNE," was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1824) recommending that S.C.R. No. 198 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO VERIFY ITS APPROVAL OF FUNDING FOR THE WAILUA SEWAGE TREATMENT PLANT EXPANSION PROJECT, KAUAI, HAWAII," was adopted.

Representative D. Ige, for the Committee on Economic Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1825) recommending that S.C.R. No. 106, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 106, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO EXAMINE THE PROVISION OF SERVICES TO HAWAIIANS," was adopted.

Representatives D. Ige, Fukunaga and Metcalf, for the Committees on Economic Development and Hawaiian Affairs; Legislative Management; and Judiciary, presented a joint report (Stand. Com. Rep. No. 1826) recommending that H.R. No. 364, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 364, HD 1, entitled: "HOUSE RESOLUTION DECLARING THE REGULAR SESSION OF 1990 AS A BENCHMARK OF FAIR ACCESS AND INFORMED PUBLIC PARTICIPATION IN THE LEGISLATIVE PROCESS BY ALL RESIDENTS THROUGHOUT THE STATE AND SETTING FORTH ACTIONS TO ACCOMPLISH THE SAME," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1827) recommending that S.C.R. No. 141 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION

RECOGNIZING MAY 1989 AS BETTER SPEECH AND HEARING MONTH," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1828) recommending that S.C.R. No. 162 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 162, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE EFFECTS OF VOLCANIC FUMES ON THE PEOPLE, AGRICULTURE, AND WATER SYSTEMS OF THE ISLAND OF HAWAII," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1829) recommending that S.C.R. No. 120, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 120, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN FOR AEROMEDICAL TRANSPORT SYSTEMS FOR THE ISLANDS OF HAWAII, MAUI, MOLOKAI, LANAI, AND KAUAI," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1830) recommending that S.C.R. No. 215, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 215, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A TRANSITION PLAN WHICH ACCOMMODATES THE NEEDS AND PRIVILEGES OF THE RESIDENT PATIENT POPULATION OF KALAUPAPA, MOLOKAI," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1831) recommending that S.C.R. No. 14, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 14, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING HEALTH INSURANCE COVERAGE OF PRESCRIPTION DRUGS FOR HIV-POSITIVE INDIVIDUALS," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1832) recommending that S.C.R. No. 117, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INSTITUTE HELICOPTER AMBULANCE SERVICE ON THE ISLAND OF HAWAII," was adopted.

Representative Shon, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1833) recommending that S.C.R. No. 190, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 190, SD 1,

entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE FEASIBILITY OF HAVING HEALTH-RELATED THERAPISTS WORKING IN THE DEPARTMENT OF EDUCATION ON WORK AND PAY SCHEDULES COMPARABLE TO THEIR DIRECT PROFESSIONAL COUNTERPARTS," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1834) recommending that S.C.R. No. 95 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT FUNDING FOR THE HAMILTON LIBRARY BUILDING BE MADE A HIGH PRIORITY BY THE BOARD OF REGENTS," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1835) recommending that S.C.R. No. 82, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 82, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF REGENTS, UNIVERSITY OF HAWAII, TO SUPPORT AND IMPLEMENT A CENTER ON THE FAMILY AT THE UNIVERSITY OF HAWAII AT MANOA," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1836) recommending that S.C.R. No. 111, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 111, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH THE FAMILY COMMUNITY LEADERSHIP PROGRAM AS A PERMANENT PROGRAM," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1837) recommending that S.C.R. No. 128 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF BUDGET AND FINANCE TO CONDUCT PERIODIC SALES OF STATE BONDS IN ORDER TO ASSIST HAWAII'S FAMILIES SAVE FOR THEIR CHILDREN'S POSTSECONDARY EDUCATION EXPENSES," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1838) recommending that S.C.R. No. 270, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 270, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO

REINSTATE WRESTLING AS AN INTERCOLLEGIATE SPORT," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1839) recommending that S.C.R. No. 47, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 47, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO REPEAL PROPOSITION 42 AND ASSESS WHETHER PROPOSITION 48 IS CONSISTENT WITH THE GOALS OF HIGHER EDUCATION," was adopted.

Representatives Taniguchi and D. Ige, for the Committees on Higher Education and the Arts and Economic Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1840) recommending that S.C.R. No. 127, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 127, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF REGENTS TO CONSIDER DEVELOPING A FILM INDUSTRY DEGREE PROGRAM AT THE UNIVERSITY OF HAWAII," was adopted.

Representative Taniguchi, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1841) recommending that S.C.R. No. 48, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 48, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO ALLOW THE UNIVERSITY OF HAWAII BASEBALL PROGRAM TO SCHEDULE A GREATER NUMBER OF CONTESTS WITH FOREIGN OPPONENTS WITHOUT HAVING THESE CONTESTS COUNT TOWARD GAMES OF THE REGULAR SEASON," was adopted.

Representatives Taniguchi and Bunda, for the Committees on Higher Education and the Arts and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1842) recommending that S.C.R. No. 124, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 124, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII INSTITUTE OF MARINE BIOLOGY OF THE UNIVERSITY OF HAWAII AND THE UNIVERSITY OF HAWAII AT HILO TO JOINTLY PREPARE A PROPOSAL TO ESTABLISH A MARINE RESEARCH FIELD STATION IN PUAKO, HAWAII," was adopted.

Representatives Shon and Tom, for the Committees on Health and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1843) recommending that S.C.R. No. 160, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of

the Committees was adopted and S.C.R. No. 160, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE PROBLEM OF LEAD CONTAMINATION AND OTHER PROBLEMS BEING FACED BY PERSONS RELYING ON WATER CATCHMENT SYSTEMS IN THE STATE," was adopted.

Representatives Shon and Fukunaga, for the Committees on Health and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1844) recommending that S.C.R. No. 57, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 57, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO EVALUATE THE QUALITY OF TREATMENT INCLUDING BEHAVIOR MANAGEMENT PROVIDED IN COMMUNITY FACILITIES FOR THE MENTALLY RETARDED/DEVELOPMENTALLY DISABLED," was adopted.

Representatives Shon and Taniguchi, for the majority of the Committees on Health and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1845) recommending that S.C.R. No. 157, SD 1, as amended in HD 1, be adopted.

Representative Apo moved that the joint report of the majority of the Committees be adopted and S.C.R. No. 157, SD 1, HD 1, be adopted, seconded by Representative Hemmings.

Representative O'Kieffe rose to speak against the resolution, stating:

"Mr. Speaker, this resolution requests the Department of Health and the University of Hawaii to establish a confidential study to test the level of mercury in smokers of marijuana.

"When I first saw this resolution, I didn't think it would get very far because I didn't think too many of our marijuana users would be interested in knowing how much mercury they were ingesting and so I doubted that many legislators would be interested in such a study -- confidential or otherwise. Afterall, if people are still smoking pakalolo, they obviously haven't been deterred by the multitude of widely published studies showing a myriad of seriously harmful effects from birth defects to addle brains to lung cancer.

"During the hearing, Mr. Speaker, estimates of the cost of doing such a study ranged from \$100,000 to \$300,000. What business do we have suggesting the use of tax dollars, and so many of them, to pay for a study of the possible harmful effects of a substance that is illegal in the first place and already established as physically harmful in the second? What good is a confidential study going to do dope smokers or, for that matter, the rest of us? What contemplated benefit merits tying up resources at the University of Hawaii and the Department of Health and the expenditure of perhaps \$300,000? Does any of this make sense at a time when we spend millions of dollars annually to try to eradicate the State's marijuana crop and to bring the trial of those who use and deal marijuana, and to underwrite the cost of their jail and prison sentences, and to seek means of preventing our youngsters and our citizens from using it, and to try to rehabilitate those whose lives have been blighted by it? Does any of this make sense?

"If you agree with me that dope smoking is harmful, that this \$10-billion industry is hurting us more than it is

helping, then please join me in voting no against this measure.

"Thank you, Mr. Speaker."

Representative Shon then rose to speak in favor of the resolution, stating:

"The Committee agreed that the original thrust of the resolution was incorrect, that we should not spend any more resources, but we did indicate that any additional harmful effects of marijuana that was brought to attention by existing research should be publicized and that we should get some kind of report on it, if and when they should come up with it.

"The reason why we dealt with this at all, I think, is because we are committed to discouraging people from inflicting harm on themselves and the rest of society. The more that we know about the harmful effects of some of these substances, the more of a chance we may have of persuading people not to abuse these illegal substances. I think that some of the problems that we face with this industry is that, quite obviously, a large number of people do not think that it is harmful. And I have heard consistent and growing debate as to the credibility of claims that it is always harmful. I think that we may have stumbled upon an aspect of harm that is persuasive to some and that we should know about it.

"But, we have amended the resolution. It doesn't even read with the same title if we read it carefully, and we have even included a reference to the suggestion that we should spend no additional State resources on this.

"Thank you, Mr. Speaker."

Representative Hemmings then rose to speak against the resolution, stating:

"Just for the record, I appreciate the Chairman of the Health Committee amending the resolution from its especially onerous title in designation of using new funds to conduct this study. But, for the record, Mr. Speaker, this resolution does call for a continuation of study and investigation of the presence of mercury in Hawaiian-grown marijuana and its harmful effects with available funding.

"I think the University of Hawaii and the other agencies involved could better spend their money addressing some real serious health concerns with people who have problems that they have not inflicted upon themselves, people who have not had a choice, people with maybe cancer or with some other disease that they chose not to take part in but, unfortunately, have been forced into. We don't need to spend taxpayers' money with the continuation of available funding to study this. We know marijuana smoking is bad for people. We have seen its effects on our society -- both spiritually and physically -- and I don't believe this resolution is necessary nor the continuation in the funding to study the issue any more and, therefore, I will be joining Representative O'Kieffe in voting no."

The motion was put by the Chair and carried, and the joint report of the majority of the Committees was adopted and S.C.R. No. 157, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A CONFIDENTIAL PROGRAM TO TEST THE LEVEL OF MERCURY IN MARIJUANA," was adopted, with Representatives Cavasso, Hemmings, Liu, Marumoto and O'Kieffe voting no.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1846) recommending that S.C.R. No. 129 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII AGRICULTURAL DEVELOPMENT CORPORATION," was adopted.

Representatives Honda and Fukunaga, for the Committees on Agriculture and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1847) recommending that S.C.R. No. 179 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 179, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AUDIT OF THE HAWAII SUGAR PLANTERS' ASSOCIATION," was adopted.

Representatives Takamine and Tom, for the Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1848) recommending that H.R. No. 278 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and H.R. No. 278, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF THE HEALTH, SAFETY, AND WORKING CONDITIONS AND RETIREMENT ALLOWANCE FORMULAS OF CERTAIN WASTEWATER TREATMENT EMPLOYEES OF THE COUNTIES," was adopted.

Representative Takamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1849) recommending that H.R. No. 371, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 371, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE ON IMPLEMENTING A FAMILY LEAVE POLICY FOR HAWAII," was adopted.

Representative Takamine, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 1850) recommending that H.R. No. 345 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.R. No. 345, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON REIMBURSEMENT OF MEDICARE PART B MEDICAL INSURANCE PREMIUMS," was adopted.

Representatives Arakaki and Fukunaga, for the Committees on Human Services and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1851) recommending that S.C.R. No. 155, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 155, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF A

YOUTH VOLUNTARY SERVICE PROGRAM," was adopted.

Representatives Arakaki and Fukunaga, for the Committees on Human Services and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1852) recommending that S.C.R. No. 137 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF EARMARKING GENERAL EXCISE TAX REVENUES FOR LONG-TERM CARE," was adopted.

Representatives Arakaki and Takamine, for the Committees on Human Services and Labor and Public Employment, presented a joint report (Stand. Com. Rep. No. 1853) recommending that S.C.R. No. 7, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 7, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DESIGN OF A MODEL FOR CONTINUING SOCIAL WORK EDUCATION," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1854) recommending that S.C.R. No. 259, SD 1, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 259, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO PROVIDE A LEASE OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SEARCH FOR A SITE FOR SEAGULL SCHOOLS, INC. IN WAIMANALO," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1855) recommending that S.C.R. No. 271, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 271, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY AND REPORT ON METHODS OF PROVIDING AN INTEGRATED FAMILY VIOLENCE PROGRAM IN WEST HAWAII," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1856) recommending that S.C.R. No. 69, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 69, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF CORRECTIONS TO STUDY THE FEASIBILITY OF AND TO DEVELOP A PLAN FOR THE IMPLEMENTATION OF A PROGRAM TO ALLOW INCARCERATED PERSONS TO ESTABLISH BUSINESSES DURING THEIR INCARCERATION WHICH THEY COULD CONTINUE UPON THEIR RELEASE," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1857) recommending that S.C.R. No. 107 be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A SPECIAL MASTER FOR THE CORRECTIONS SYSTEM," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1858) recommending that S.C.R. No. 214, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 214, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF HAWAII'S UTILIZATION OF THE FEDERAL MEDICAID PROGRAM AND THE DEVELOPMENT OF A STRATEGIC PLAN TO MAXIMIZE RECOVERY OF FEDERAL DOLLARS FROM MEDICAID," was adopted.

Representative Arakaki, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1859) recommending that S.C.R. No. 164, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 164, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF CORRECTIONS TO REPORT ON ACTIONS IT HAS TAKEN TO IMPROVE THE PROCESSING OF INMATE GRIEVANCES," was adopted.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1860) recommending that S.C.R. No. 240, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 240, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO IMPLEMENT THE RECOMMENDATIONS OF THE MANAGEMENT AND FINANCIAL AUDIT OF THE JUDICIARY," was adopted.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 80 on H.B. No. 231, HD 1, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 231, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Takamine then 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 Takamine's remarks are as follows:

"Mr. Speaker, it is with much regret that I speak against S.B. 231, HD 1, SD 2, CD 1. The bill contains two parts. The first deals with extending the tort reform measures that were legislated in 1986.

"These measures included rate reduction relief, rebate or credit for excessive rates, prohibited cancellation of policies, provided periodic payment of damages, limited noneconomic damages, and limited the statute of limitations for suits by minors. Mr. Speaker, these changes were important because of the unfair financial burden that the insurance industry was imposing on the backs of the hard-working business people. These changes were critical in reducing the liability insurance problem for the business community, and it is very important that this package of changes continue.

"However, the second part of this bill establishes a change in our law that I cannot in good conscience support. The second part of the bill, Mr. Speaker, deals with granting immunity to a special group of people from third party suits. This provision has nothing to do with the changes that were implemented as the tort reform package in 1986.

"The cause of my concern in granting immunity to construction design professionals stems from the policy of promoting safety, which is undermined by the proposed amendments. Mr. Speaker, the construction design professionals are those who are best qualified and therefore best positioned to help prevent dangerous situations that could lead to fatal injuries.

"Granting immunity from third party suits, even if limited in nature, denigrates rather than promotes safety on the job site. Justification for granting any immunity should be to promote safety, and to prevent the hardship and suffering that accompany injuries; injuries that might have been prevented if all parties more actively participated in assuring they didn't occur."

Representative Liu then rose to speak against the bill, stating:

"Mr. Speaker, as I did at a previous occasion, I am opposed to this measure, again symbolically, because I think we really didn't do what we needed to do two years ago. We set it up so that things would be uncertain, that we would continue the uncertain stage and the cluthra of cases which do arise in the tort law and, in fact, we are going to uncharted waters in a section of this bill concerning unnamed defendants, third parties and, as such, I shall be voting no on this measure.

"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. 231, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Cavasso, Hagino, Hemmings, Horita, Liu and Takamine voting no.

The Chair directed the Clerk to note that H.B. No. 231 had passed Final Reading at 5:55 o'clock p.m.

At 5:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:34 o'clock p.m.

At this time, Representative Apo gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 475, HD 1 (SD 1); 1575 (SD 1); and 1917 (SD 2).

DISPOSITION OF MATTERS

PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 112, HD1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 112, HD 1, and H.B. No. 112, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DUPLICATE KEYS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 160, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 160, HD 1, and H.B. No. 160, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 181, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 181, HD 1, and H.B. No. 181, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 112, 160 and 181 had passed Final Reading at 6:43 o'clock p.m.

At 6:43 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 6:44 o'clock p.m.

By unanimous consent, H.B. No. 254, SD 2, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 254, and H.B. No. 254, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 339, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 339, HD 1, and H.B. No. 339, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 453, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 453, HD 1, and H.B. No. 453, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF

LIMITATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 462, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 462, and H.B. No. 462, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 518, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 518, HD 1, and H.B. No. 518, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL OR VALUABLE TREES," having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives M. Ige, Liu and Peters voting no.

By unanimous consent, H.B. No. 536, HD 1, SD 2, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 536, HD 1, and H.B. No. 536, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE TO PROCESS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 557, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 557, HD 1, and H.B. No. 557, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 559, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 559, HD 1, and H.B. No. 559, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 561, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 561, and H.B. No. 561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 254, 339, 453, 462, 518, 536, 557, 559 and 561 had passed Final Reading at 6:46 o'clock p.m.

By unanimous consent, H.B. No. 567, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 567, HD 1, and H.B. No. 567, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 571, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 571, HD 1, and H.B. No. 571, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 737, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 737, and H.B. No. 737, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY INSPECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 741, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 741, HD 1, and H.B. No. 741, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF RESIDENCY FOR TUITION PURPOSES," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 886, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 886, HD 1, and H.B. No. 886, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 567, 571, 737, 741 and 886 had passed Final Reading at 6:47 o'clock p.m.

By unanimous consent, H.B. No. 976, HD 1, SD 2, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 976, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1135, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1135, and H.B. No. 1135, SD 1, entitled: "A BILL FOR

AN ACT RELATING TO TERRORISTIC THREATENING OF AN EDUCATIONAL WORKER," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1195, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1195, HD 1, and H.B. No. 1195, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISCOVERIES AND INVENTIONS REVOLVING FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1196, HD 2, SD 2, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1196, HD 2, and H.B. No. 1196, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 976, 1135, 1195 and 1196 had passed Final Reading at 6:48 o'clock p.m.

By unanimous consent, H.B. No. 1231, HD 2, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1231, HD 2, and H.B. No. 1231, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CASE MANAGEMENT COORDINATION PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1420, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1420, HD 1, and H.B. No. 1420, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPORT OF AQUARIUM FISH," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1445, HD 2, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1445, HD 2, and H.B. No. 1445, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1231, 1420 and 1445 had passed Final Reading at 6:49 o'clock p.m.

By unanimous consent, H.B. No. 1593, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No.

1593, HD 1, and H.B. No. 1593, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODY AWARDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1680, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1680, HD 1, and H.B. No. 1680, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM DURABLE POWER OF ATTORNEY ACT," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1698, HD 1, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1698, HD 1, and H.B. No. 1698, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1593, 1680 and 1698 had passed Final Reading at 6:50 o'clock p.m.

By unanimous consent, H.B. No. 1905, HD 1, SD 2, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1905, HD 1, and H.B. No. 1905, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1912, SD 1, was taken from the Clerk's desk:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1912, and H.B. No. 1912, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARIES OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1905 and 1912 had passed Final Reading at 6:51 o'clock p.m.

At 6:51 o'clock p.m., Representative Tam asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:53 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1023 to 1032) were read by the Clerk and were placed on file:

Sen. Com. No. 1023, informing the House that H.C.R. No. 366, HD 1 (SD 1), was adopted by the Senate on April 24, 1989.

By unanimous consent, H.C.R. No. 366, HD 1, SD 1, was placed on the Clerk's desk.

Sen. Com. No. 1024, informing the House that the Senate has reconsidered its action taken on April 6, 1989, and that the amendments proposed by the House to the following Senate Bills were agreed to by the Senate on April 24, 1989: S.B. Nos. 1294, SD 1 (HD 1); 676 (HD 1); 1842, SD 1 (HD 1); 1553 (HD 1); 1859, SD 2 (HD 2); 556, SD 2 (HD 1); 621 (HD 1); 717, SD 2 (HD 1); 751, SD 1 (HD 1); 1476, SD 2 (HD 2); 1788, SD 1 (HD 1); and 538, SD 2 (HD 2).

Sen. Com. No. 1025, informing the House that the following bills passed Final Reading in the Senate on April 24, 1989: Senate Bill Nos. 1229, SD 1, HD 1; 156, SD 1, HD 1; 300, SD 1, HD 1; 655, SD 1, HD 2; 733, SD 1, HD 1; 828, SD 1, HD 2; 968, HD 1; 1241, SD 1, HD 2; 1622, SD 1, HD 1, CD 1; House Bill Nos. 390, SD 1, CD 1; 1845, SD 2, CD 1; 917, HD 2, SD 2, CD 1; Senate Bill No. 690, SD 1, HD 2, CD 1; House Bill Nos. 1847, HD 2, SD 2, CD 1; 1685, HD 1, SD 1, CD 1; Senate Bill No. 379, SD 1, HD 1, CD 1; House Bill Nos. 692, SD 1, CD 1; 1198, HD 1, SD 1, CD 1; 711, SD 1, CD 1; 821, HD 2, SD 1, CD 1; 1827, SD 1, CD 1; 1920, HD 1, SD 1, CD 1; Senate Bill Nos. 1799, SD 1, HD 1; CD 1; 99, HD 2, CD 1; 56, SD 1, HD 1, CD 1; 967, SD 1, HD 1, CD 1; 1385, SD 1, HD 1, CD 1; House Bill Nos. 1236, HD 1, SD 1, CD 1; 1635, HD 1, SD 1, CD 1; Senate Bill No. 1818, HD 1, CD 1; House Bill No. 1535, HD 1, SD 1, CD 1; Senate Bill Nos. 496, SD 1, HD 1, CD 1; 1823, SD 1, HD 1, CD 1; House Bill No. 188, HD 1, SD 1, CD 1; Senate Bill Nos. 59, SD 1, HD 1, CD 1; 269, SD 1, HD 1, CD 1; 864, SD 1, HD 1, CD 1; 1948, SD 1, HD 1, CD 1; 1851, HD 2, CD 1; 1005, HD 2, CD 1; 661, SD 1, HD 1, CD 1; 1885, HD 1, CD 1; 1433, SD 1, HD 1, CD 1; House Bill Nos. 977, HD 2, SD 1, CD 1; 744, HD 1, SD 1, CD 1; 219, HD 1, SD 1, CD 1; Senate Bill Nos. 625, HD 1, CD 1; 1128, HD 1, CD 1; 1376, HD 1, CD 1; 1814, SD 1, HD 1, CD 1; 846, SD 1, HD 1, CD 1; 910, SD 1, HD 1, CD 1; 1870, SD 1, HD 1, CD 1; 544, HD 2, CD 1; House Bill No. 1549, HD 1, SD 2, CD 1; Senate Bill Nos. 1344, SD 1, HD 1, CD 1; 1914, SD 1, HD 1, CD 1; 1871, SD 1, HD 1, CD 1; House Bill Nos. 796, SD 1, CD 1; 1597, HD 1, SD 1, CD 1; 1887, HD 1, SD 1, CD 1; 748, HD 1, SD 1, CD 1; Senate Bill No. 1230, SD 1, HD 1, CD 1; House Bill Nos. 1860, HD 1, SD 1, CD 1; 902, SD 1, CD 1; Senate Bill Nos. 370, SD 2, HD 2, CD 1; 1187, SD 1, HD 1, CD 1; 1551, SD 2, HD 2, CD 1; House Bill Nos. 845, HD 2, SD 2, CD 1; 1825, SD 1, CD 1; Senate Bill No. 1165, SD 1, HD 1, CD 1; House Bill No. 239, SD 1, CD 1; Senate Bill No. 819, SD 1, HD 1, CD 1; House Bill No. 1362, HD 2, SD 1, CD 1; Senate Bill No. 417, SD 1, HD 1, CD 1; House Bill No. 1842, SD 2, CD 1; Senate Bill Nos. 1975, SD 1, HD 3, CD 1; 678, SD 1, HD 1, CD 1; 161, SD 1, HD 2, CD 1; 816, HD 1, CD 1; House Bill No. 332, HD 1, SD 1, CD 1; Senate Bill Nos. 1374, SD 1, HD 1, CD 1; 2038, SD 1, HD 1, CD 1; 55, SD 1, HD 1, CD 1; 1813, SD 1, HD 1, CD 1; 424, SD 1, HD 1, CD 1; 1469, SD 1, HD 1, CD 1; House Bill Nos. 1844, HD 1, SD 1, CD 1; 148, HD 1, SD 2, CD 1; Senate Bill No. 42, HD 1, CD 1; House Bill Nos. 662, HD 1, SD 1, CD 1; 1826, HD 1, SD 1, CD 1; Senate Bill No. 1874, SD 1, HD 1, CD 1; House Bill No. 1476, SD 1, CD 1; Senate Bill Nos. 1297, HD 2, CD 1; 1175, SD 1, HD 1, CD 1; House Bill No. 1188, HD 1, SD 1, CD 1; Senate Bill No. 245, HD 1, CD 1; and House Bill No. 231, HD 1, SD 2, CD 1.

Sen. Com. No. 1026, returning House Bill No. 20, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NETS," which passed Third Reading in the Senate on April 24, 1989.

Sen. Com. No. 1027, returning House Bill No. 836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIV COUNSELING," which passed Third Reading in the Senate on April 24, 1989.

Sen. Com. No. 1028, returning House Bill No. 1611, entitled: "A BILL FOR AN ACT AMENDING ACT 142, SESSION LAWS OF HAWAII 1988," which passed Third Reading in the Senate on April 24, 1989.

Sen. Com. No. 1029, returning House Bill No. 1894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," which passed Third Reading in the Senate on April 24, 1989.

Sen. Com. No. 1030, returning House Concurrent Resolution No. 194 which was adopted by the Senate on April 24, 1989.

Sen. Com. No. 1031, returning House Concurrent Resolution No. 263, HD 1, which was adopted by the Senate on April 24, 1989.

Sen. Com. No. 1032, returning House Concurrent Resolution No. 333, HD 1, which was adopted by the Senate on April 24, 1989.

CONFERENCE COMMITTEE REPORTS

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. 1154, HD 1, presented a report (Conf. Com. Rep. No. 146) recommending that S.B. No. 1154, HD 1, as amended in CD 1, pass Final Reading.

Representatives Arakaki 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. 42, HD 1, presented a report (Conf. Com. Rep. No. 147) recommending that S.B. No. 42, HD 1, as amended in CD 1, pass Final Reading.

Representatives Shon, Tom and Horita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1052, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 148) recommending that S.B. No. 1052, SD 2, HD 2, as amended in CD 1, pass Final Reading.

Representatives Metcalf 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. 694, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 149) recommending that H.B. No. 694, HD 2, SD 1, as amended in CD 1, pass Final Reading.

Representatives Metcalf, Taniguchi, Tom and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 43, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 150) recommending that H.B. No. 43, HD 2, SD 2, as amended in CD 1, pass Final Reading.

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. 979, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 151) recommending that H.B. No. 979, HD 1, SD 1, as amended in CD 1, pass Final Reading.

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. 148,

HD 1, SD 2, presented a report (Conf. Com. Rep. No. 152) recommending that H.B. No. 148, HD 1, SD 2, as amended in CD 1, pass Final Reading.

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. 846, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 153) recommending that S.B. No. 846, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 740, HD 1, presented a report (Conf. Com. Rep. No. 154) recommending that S.B. No. 740, HD 1, as amended in CD 1, pass Final Reading.

Representative Souki, for the Committee on Conference to which was recommitted H.B. No. 205, HD 1, SD 1, CD 1, presented a report (Conf. Com. Rep. No. 155) recommending that H.B. No. 205, HD 1, SD 1, as amended in CD 2, pass Final Reading.

Representatives Metcalf 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. 920, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 156) recommending that H.B. No. 920, HD 1, SD 2, as amended in CD 1, pass Final Reading.

Representatives Metcalf and Horita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 548, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 157) recommending that H.B. No. 548, HD 2, SD 2, as amended in CD 1, pass Final Reading.

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. 34, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 158) recommending that S.B. No. 34, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 1716, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 159) recommending that H.B. No. 1716, HD 1, SD 1, as amended in CD 1, pass Final Reading.

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. 635, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 160) recommending that S.B. No. 635, SD 1, HD 1, as amended in CD 1, pass Final Reading.

Representatives Tam 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. 527, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 161) recommending that S.B. No. 527, SD 2, HD 2, as amended in CD 1, pass Final Reading.

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. 644, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 162) recommending that S.B. No. 644, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 1703,

HD 1, SD 1, presented a report (Conf. Com. Rep. No. 163) recommending that H.B. No. 1703, HD 1, SD 1, as amended in CD 1, pass Final Reading.

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. 846, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 164) recommending that S.B. No. 846, SD 1, HD 1, as amended in CD 1, pass Final Reading.

Representatives Metcalf and Isbell, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1825, HD 1, presented a report (Conf. Com. Rep. No. 165) recommending that S.B. No. 1825, HD 1, as amended in CD 1, pass Final Reading.

Representatives Metcalf and Leong, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 70, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 166) recommending that S.B. No. 70, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 1799, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 167) recommending that S.B. No. 1799, SD 1, HD 1, as amended in CD 1, pass Final Reading.

Representative Souki, for the Committee on Conference to which was recommitted S.B. No. 408, HD 1, CD 1, presented a report (Conf. Com. Rep. No. 168) recommending that S.B. No. 408, HD 1, as amended in CD 2, pass Final Reading.

Representatives Taniguchi and Fukunaga, for the Committee on Conference to which was recommitted S.B. No. 1140, HD 2, CD 1, presented a report (Conf. Com. Rep. No. 169) recommending that S.B. No. 1140, HD 2, as amended in CD 2, pass Final Reading.

Representatives D. Ige, Fukunaga and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the House in S.B. No. 832, HD 1, presented a report (Conf. Com. Rep. No. 170) recommending that S.B. No. 832, HD 1, as amended in CD 1, pass Final Reading.

Representatives Hirono and Shon, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1385, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 171) recommending that S.B. No. 1385, SD 1, HD 1, as amended in CD 1, pass Final Reading.

Representatives Metcalf, 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. 1413, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 172) recommending that S.B. No. 1413, SD 2, HD 2, as amended in CD 1, pass Final Reading.

Representatives Metcalf, Arakaki 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. 783, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 173) recommending that S.B. No. 783, SD 2, HD 2, as amended in CD 1, pass Final Reading.

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. 914, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 174)

recommending that S.B. No. 914, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 311, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 175) recommending that S.B. No. 311, SD 1, HD 1, as amended in CD 1, pass Final Reading.

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. 1197, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 176) recommending that S.B. No. 1197, SD 2, HD 1, as amended in CD 1, pass Final Reading.

Representative Souki, for the Committee on Conference to which was recommitted S.B. No. 1734, SD 1, HD 1, CD 1, presented a report (Conf. Com. Rep. No. 177) recommending that S.B. No. 1734, SD 1, HD 1, as amended in CD 2, pass Final Reading.

Representatives D. Ige, Fukunaga 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. 832, HD 1, presented a report (Conf. Com. Rep. No. 178) recommending that S.B. No. 832, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. Nos. 146 and S.B. No. 1154, HD 1, CD 1; 147 and S.B. No. 42, HD 1, CD 1; 148 and S.B. No. 1052, SD 2, HD 2, CD 1; 149 and H.B. No. 694, HD 2, SD 1, CD 1; 150 and H.B. No. 43, HD 2, SD 2, CD 1; 151 and H.B. No. 979, HD 1, SD 1, CD 1; 152 and H.B. No. 148, HD 1, SD 2, CD 1; 153 and S.B. No. 846, SD 1, HD 1, CD 1; 154 and S.B. No. 740, HD 1, CD 1; 155 and H.B. No. 205, HD 1, SD 1, CD 2; 156 and H.B. No. 920, HD 1, SD 2, CD 1; 157 and H.B. No. 548, HD 2, SD 2, CD 1; 158 and S.B. No. 34, SD 1, HD 1, CD 1; 159 and H.B. No. 1716, HD 1, SD 1, CD 1; 160 and S.B. No. 635, SD 1, HD 1, CD 1; 161 and S.B. No. 527, SD 2, HD 2, CD 1; 162 and S.B. No. 644, SD 1, HD 1, CD 1; 163 and H.B. No. 1703, HD 1, SD 1, CD 1; 164 and S.B. No. 846, SD 1, HD 1, CD 1; 165 and S.B. No. 1825, HD 1, CD 1; 166 and S.B. No. 70, SD 1, HD 1, CD 1; 167 and S.B. No. 1799, SD 1, HD 1, CD 1; 168 and S.B. No. 408, HD 1, CD 2; 169 and S.B. No. 1140, HD 1, CD 1; 170 and S.B. No. 832, HD 1, CD 1; 171 and S.B. No. 1385, SD 1, HD 1, CD 1; 172 and S.B. No. 1413, SD 2, HD 2, CD 1; 173 and S.B. No. 783, SD 2, HD 2, CD 1; 174 and S.B. No. 914, SD 1, HD 1, CD 1; 175 and S.B. No. 311, SD 1, HD 1, CD 1; 176 and S.B. No. 1197, SD 2, HD 1, CD 1; 177 and S.B. No. 1734, SD 1, HD 1, CD 2; and 178 and S.B. No. 832, 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 S.B. No. 1154, HD 1, CD 1; S.B. No. 42, HD 1, CD 1; S.B. No. 1052, SD 2, HD 2, CD 1; H.B. No. 694, HD 2, SD 1, CD 1; H.B. No. 43, HD 2, SD 2, CD 1; H.B. No. 979, HD 1, SD 1, CD 1; H.B. No. 148, HD 1, SD 2, CD 1; S.B. No. 846, SD 1, HD 1, CD 1; S.B. No. 740, HD 1, CD 1; H.B. No. 205, HD 1, SD 1, CD 2; H.B. No. 920, HD 1, SD 2, CD 1; H.B. No. 548, HD 2, SD 2, CD 1; S.B. No. 34, SD 1, HD 1, CD 1; H.B. No. 1716, HD 1, SD 1, CD 1; S.B. No. 635, SD 1, HD 1, CD 1; S.B. No. 527, SD 2, HD 2, CD 1; S.B. No. 644, SD 1, HD 1, CD 1; H.B. No. 1703, HD 1, SD 1, CD 1; S.B. No. 846, SD 1, HD 1, CD 1; S.B. No. 1825, HD 1, CD 1; S.B. No. 70, SD 1, HD 1, CD 1; S.B. No. 1799, SD 1, HD 1, CD 1; S.B. No. 408, HD 1, CD 2; S.B. No. 1140, HD 2, CD 2; SB. No. 832, HD 1, CD 1; S.B. No. 1385, SD 1, HD 1, CD 1; S.B. No. 1413, SD 2, HD 2, CD 1; S.B. No. 783, SD 2, HD 2, CD 1; S.B. No. 914, SD 1, HD 1, CD 1; S.B. No. 311,

SD 1, HD 1, CD 1; S.B. No. 1197, SD 2, HD 1, CD 1; S.B. No. 1734, SD 1, HD 1, CD 2; and S.B. No. 832, HD 1, CD 1, were made available to the members of the House.

ANNOUNCEMENTS

Representative Hagino rose and requested waiver of the 48-hour notice requirement to hear Senate Concurrent Resolution 218, SD 1, relating to designated Sand Island Industrial Park, and the Chair "so ordered."

Representative Hagino: "There will be a public hearing, 9:00 a.m. this Wednesday, Conference Room 416, by your Water, Land Use and Tourism Committees."

Representative Okamura: "There will be a Majority caucus in the Majority Caucus Room at 3:00 p.m. on Wednesday, and also for all members, at 9:00 a.m. tomorrow, all conference drafts will be on your desks and at 1:00 p.m., the Order of the Day will be delivered to all of your offices."

Representative Hemmings: "There will be a Republican caucus, 10:00 o'clock a.m. on Wednesday."

ADJOURNMENT

At 6:49 o'clock p.m., on motion by Representative Ayo, seconded by Representative Hemmings and carried, the House of Representatives adjourned until 4:00 o'clock p.m. on Wednesday, April 26, 1989.

SIXTY-FIRST DAY

Tuesday, April 25, 1989

NO SESSION

SIXTY-SECOND DAY

Wednesday, April 26, 1989

The House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 4:10 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Julia McKenna-Ritchie of The Ministry for Divine Harmony, after which the Roll was called showing all members present.

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

On motion by Representative Apo, seconded by Representative Hemmings and carried, reading of the Journal was dispensed with and the Journal of the Sixtieth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1033 to 1056) were read by the Clerk and were placed on file:

Sen. Com. No. 1033, informing the House that House Concurrent Resolution No. 199, HD 1, SD 1, was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1034, informing the House that House Concurrent Resolution No. 256, HD 1, SD 1, was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1035, informing the House that House Concurrent Resolution No. 353, HD 1, SD 1, was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1036, informing the House that House Concurrent Resolution No. 375, HD 1, SD 1, was adopted by the Senate on April 25, 1989.

By unanimous consent, H.C.R. Nos. 199, HD 1, SD 1; 256, HD 1, SD 1; 353, HD 1, SD 1; and 375, HD 1, SD 1, were placed on the Clerk's desk.

Sen. Com. No. 1037, informing the House that the following bills passed Final Reading in the Senate on April 25, 1989: H.B. No. 435, HD 1, SD 1, CD 1; S.B. Nos. 83, SD 1, HD 1, CD 1; 1360, SD 1, HD 1, CD 1; 1344, SD 1, HD 1, CD 1; and H.B. No. 1879, SD 2, CD 1.

Sen. Com. No. 1038, returning House Bill No. 1803, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," which passed Third Reading in the Senate on April 25, 1989.

Sen. Com. No. 1039, returning House Concurrent Resolution No. 19 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1040, returning House Concurrent Resolution No. 92, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1041, returning House Concurrent Resolution No. 93 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1042, returning House Concurrent Resolution No. 97, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1043, returning House Concurrent Resolution No. 106, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1044, returning House Concurrent Resolution No. 119, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1045, returning House Concurrent Resolution No. 145, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1046, returning House Concurrent Resolution No. 175, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1047, returning House Concurrent Resolution No. 177, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1048, returning House Concurrent Resolution No. 201 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1049, returning House Concurrent Resolution No. 221 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1050, returning House Concurrent Resolution No. 229, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1051, returning House Concurrent Resolution No. 246, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1052, returning House Concurrent Resolution No. 271, HD 1, which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1053, returning House Concurrent Resolution No. 275 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1054, returning House Concurrent Resolution No. 292 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1055, returning House Concurrent Resolution No. 299 which was adopted by the Senate on April 25, 1989.

Sen. Com. No. 1056, returning House Concurrent Resolution No. 309 which was adopted by the Senate on April 25, 1989.

ORDER OF THE DAY

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1764 on S.B. No. 20:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1765 on S.B. No. 25:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 25, entitled: "A BILL FOR AN ACT RELATING TO URBAN AND REGIONAL DESIGN," having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1766 on S.B. No. 1465, SD 2:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1465, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 20, 25 and 1465 had passed Third Reading at 4:20 o'clock p.m.

Conf. Com. Rep. No. 155 on H.B. No. 205, HD 1, SD 1, CD 2:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 205, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Souki then rose and stated:

"Mr. Speaker and members, I have some prepared remarks to be included in today's log, but I would like to make some general comments.

"First of all, I would like to thank all the staff for the hours of work, labor, you went without sleep, and I think in all we came out with a very good document, and unless you sit in the Finance Committee and unless you watch the staff work, you'll never really appreciate what they do and for that, I want to give much aloha to all the staff for the great work they have done, especially since so many of them were young people serving their first term in the House Finance Committee.

"And I also want to thank all the Committee members for their patience and understanding and their long hours in these last few weeks and to you, much aloha.

"To my able and beautiful Vice Chairman, for her support -- thank you very much.

"That's all, Mr. Speaker and members of the House.

"Thank you very much."

Representative Souki's remarks are as follows:

"Mr. Speaker, this bill provides the funding for the operations and capital improvements of the Executive Branch of the State for the fiscal biennium 1989-91.

"This bill was the keystone in the development of a comprehensive financial package which includes a significant tax credit, and major funding for the program initiatives of the House and the Senate, as well as the Administration.

"For our public schools, your Committee has provided \$1.3-billion for the biennium. Your Committee has funded a program to initiate the school based management program, which will give 30 schools the flexibility to make decisions at the school level.

"Also for our schools, your Committee has provided the necessary resources for additional classroom equipment, textbooks, repair and maintenance of facilities, and enhanced training for teachers and administrators which will ensure the highest level of education for our students.

"Included in this budget is an ambitious plan for construction of school facilities to replace and expand classrooms, libraries, cafeterias, and administration buildings.

"For the University and community college system, your Committee has provided \$720-million for the biennium. These funds include the expansion and upgrade of educational programs and facilities, including the College of Education and the nursing programs at the University and community colleges.

"Significant funding has also been provided for the much needed replacement of obsolete equipment and facilities renovation to enhance educational opportunities. Funds have also been included to support programs and facilities for student services in this year of the undergraduate.

"Your Committee has provided for the completion of the Kapiolani Community College Diamond Head Campus, the construction of a new building for the School of Architecture, and for the planning of a new campus in West Oahu.

"In the health and human services area, your Committee has provided \$1.5-billion for the biennium to ensure that the basic needs of the people of our State will be met.

"Additional positions and funds have been provided to strengthen the child welfare services programs, as well as to address the problem of 'worker burnout' within the Department of Human Services.

"Also funded were programs to address the need for childcare and early childhood education, and the special needs of our elderly population.

"To ensure adequate health care services for all people of our State, funds have been provided to expand emergency medical services, upgrade our County/State Hospitals, and increase services for mental health.

"Additionally, through a separate measure, your Committee has provided \$14-million for a State Health Insurance Program which will ensure that quality, affordable health care be available to all citizens of our State.

"Realizing that the quality of life also depends on the strength of our island economy, \$135-million has been provided in the area of economic development.

"Your Committee has provided funds to foster economic diversification through the development of industries which offer high growth potential. These areas include high technology, space administration, and the film industry.

"Tourism continues to be the major source of economic activity in our State. In continued support of this industry, funds have been provided for increased

promotion of Hawaii as a visitor destination. Funds have also been provided for the upgrade and expansion of our airport facilities on all islands.

"Your Committee has provided funds to support our agricultural industry through promotion and marketing of agricultural commodities, as well as for various other activities including the eradication of fruit flies and the control of other pests.

"It was important to your Committee that funding be provided to preserve the environment which makes Hawaii a special place. To this end, \$43-million has been provided to preserve and protect our delicate environment so that our conservation areas, water systems, clean air, and rare plants and animals may be enjoyed by generations to come.

"Your Committee has provided \$67-million in the area of culture and recreation. Funds provided include support for our parks and shorelines, Hawaii Public Broadcasting, and various cultural and art events, including \$1-million to support the Honolulu Symphony.

"In the area of transportation, your Committee has provided funding for the expansion of the Lihue, Keahole, and Kahului Airports, as well as funds to upgrade and renovate our airport facilities statewide.

"\$49.8-million over the biennium has been provided to accelerate the resurfacing and maintenance program for our State highways to enhance the safety and comfort of motorists.

"Finally, Mr. Speaker, in lieu of the transfer of the tobacco and liquor tax revenues to the counties, your Committee has provided an additional \$32.5-million in each year for county grants-in-aid. This results in a total grant-in-aid of \$71.9-million in each year to assist the counties in providing the necessary services and infrastructure improvements which serve every citizen of our State.

"In closing, Mr. Speaker, I would like to say again that your Committee on Finance, together with the Senate Committee on Ways and Means, has worked diligently and responsibly to mold a budget which is sensitive to the needs of the people of our State, and which prepares Hawaii for the new challenges and exciting opportunities of tomorrow.

"Mr. Speaker, I vote in favor of H.B. No. 205, HD 1, SD 1, CD 2, and urge all members to do likewise.

Representative Leong then rose and requested that the Finance Chairman's remarks be inserted into the Journal "as though they were mine," and the Chair "so ordered." (By reference only)

Representative Cavasso then rose and stated:

"Mr. Speaker, please cast a 'no' vote for Representative Cavasso against the budget.

"But first, Mr. Speaker, I have some good news to share. I have here a sonogram, Mr. Speaker, a picture taken two weeks ago of our little child fifteen weeks old in the womb. . . just a few weeks older than three months, or, one trimester. It was exciting for my wife as she was able to see the child's little legs kick. We're blessed as opposed to the sorrow I shared here last year.

"But, Mr. Speaker, the most dangerous place for any child today is in the womb, and we're using tax dollars to fund the killing.

"I speak in opposition to the tax dollar funding contained in the budget for the most extreme form of child abuse -- killing children by abortion.

"Hawaii tax dollars fund our health insurance here to pay Kaiser Hospital to kill my child legally if I so choose because our Supreme Court has said that a child in the womb is not a child -- just like they said in 1857 that black people were not people.

"The Japanese declare that life has ended when the heart stops beating. Shouldn't it be reasonable then, to declare life when the heart beat begins? At three weeks? In the womb?

"In America, we declare life to end when a person's brain wave can no longer be measured. Shouldn't we at least declare life to begin at six weeks. . . in the womb. . . when brain waves first register?

"I have a friend whose child was born four months premature -- so small that he could take the ring off his finger and put it on the child's arm up the shoulder. That child is eight years old now and doing great but, today, we routinely kill children the same age this child was born and pay for it with State money, just like the courts required tax dollars in the northern states to be used to fund the apprehension and return of the 'non-person' Negro to slavery in Virginia.

"The Supreme Court begins today the review of Roe versus Wade. It will be overturned. Whether in this review or later I don't know, but it will be overturned. This Roe decision reminds me of the earlier mistake by our humanly fallible Supreme Court.

"Representative Roland Kotani spoke so eloquently last year to help establish the Martin Luther King holiday in memory of life and freedom secured for others because he, and others, care.

"It was about one hundred years ago that our Supreme Court decided that people of color were not people.

"Most care for the defenseless and helpless. One way to avoid the conviction of conscience when you are not defending the helpless is to call the child in the womb a 'blob of tissue' or quote: 'A product of conception.'

"Mr. Speaker, this picture, this sonogram that I hold before you today of a fifteen week old child, shows differently.

"There's no right -- civil, human or personal -- that justifies killing the defenseless or handicapped to permit the stronger person a better quality of life at the expense of another person's right to live.

"I received a letter yesterday from a lady complaining about the large dollar expense incurred by the birth of her baby. The implication seemed to be that she wished she had killed her child while it was still in the womb to save the money. Now her son is outside the womb, and the law won't allow her to avoid further expense by killing him.

"Well, colleagues, it's just as much child-killing the day before leaving the womb as the day after. But our Hawaii Revised Statutes say abortion is okay through the ninth month!

"Germany did the same thing from 1933 to 1945. Jews, the handicapped and mentally ill were declared non-persons, an unacceptable burden and threat to society.

"Who would support the holocaust today? Don't we acknowledge that some people and lawmakers in Germany made a mistake based on a wrong belief?"

"I just heard of a recent study that showed it takes an average of twenty-two times hearing the truth to overturn the belief in a lie heard once. Human nature makes it hard to come back to the truth once you've believed the lie.

"The Nazis' non-person declaration was a lie and a lot of caring people sucked it in. The Dred Scott Supreme Court decision against the Negro was a lie, and the Roe decision against unborn children, saying they are not persons protected by our Constitution, is a lie.

"It took war and bloodshed to correct the wrong of slavery. Is it going to be the same for us?"

"Abraham Lincoln asked, in his second inaugural address, if the war was not payment and retribution for the wealth drawn from the bondsman's two hundred and fifty years of unrequited toil, and he also wondered if the war would continue until every drop of blood drawn with the lash should be paid for by another drawn with the sword.

"A nation or state which kills its children as we do cannot survive. 'That which you do unto the littlest of these my children, you do also unto me.'

"Children in the womb respond to music and sound from outside. The Bible says John the Baptist jumped with excitement in the womb of Martha when Mary, the mother of Jesus, came near. Again and again, the Bible says, 'I called you and knew you from the womb,' in Jeremiah, Isaiah, and elsewhere.

"We must take four actions, Mr. Speaker, in the sessions ahead:

1. Stop State funding of abortion through employer insurance premiums and other tax-supported programs;
2. Pass parental consent and notification requirements as favored by 80 percent of Hawaii's people;
3. Protect the innocent children by enacting laws now, restricting abortions in the second and third trimesters in Hawaii; and
4. We must declare abortion to be unacceptable just as we declared the holocaust in Germany and slavery in America to be unacceptable.

"Mr. Speaker, I don't condemn you or others. I know your heart. I know you care.

"Mr. Speaker, how many times will it take for us to hear the truth before we know we've believed a lie?"

"Mr. Speaker, will we also defend the children?"

"Mr. Speaker, when will we defend the children?"

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

"Mr. Speaker and fellow members, it was former Vice President Hubert Humphrey who once said, 'The moral test of government is how it treats those in the dawn of life -- our children, those in the twilight of life -- our elderly, and those in the shadows of life -- our disabled.'

"If the allocation of the State's fiscal resources to care for the children, the elderly and the disabled is a moral

test of our legislative session, then our State budget will allow us to pass with flying colors.

"The budget makes major investments in our children and youth with \$10.2-million in child care, including \$3-million for early childhood education, \$22.5-million in child protective services, and an additional \$10.1-million in child abuse and neglect prevention and intervention programs.

"It also recognizes the growing numbers of elderly here in Hawaii with \$10.3-million in services, and it seeks dignity for our disabled with \$19.7-million, and \$11.6-million additional dollars for the mentally and physically disabled, respectively, and this is but a sampling of our genuine concern we show for our children, our elderly, and our disabled. And while it seems ironic that those who contribute the least to the public coffers will probably benefit the most from its expenditures for social services, that irony is an expression of the debt we owe to our elders, the investment we make in our young, and the dignity we desire for the disabled. These are, after all, the lofty goals of a civilized society or the government that shows compassion.

"Mr. Speaker, the wisdom and caring is evident in our budget document and the chairman and the staff of both the Finance and Ways and Means Committees are to be commended for a budget that not only addresses the immediate needs and concerns, but also provides a vision for the future of Hawaii.

"Thank you, Mr. Speaker."

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

"For the third year in a row, Mr. Speaker, the Legislature has shown its commitment to the children of Hawaii by providing a big increase in the budget for public education.

"The **Honolulu Advertiser** has pointed out that this budget only provides a 5.6 percent increase for the public schools. To some, this seems like a small increase. Perhaps all of the talk about the quality and excellence and the huge State surplus raised hopes too high.

"However, in evaluating a budget, we cannot look only at the bottom line. We must also judge the content. Careful examination of this budget shows that we have provided for promising initiatives and a significant expansion of existing programs over the next two years.

"For example:

1. Continuation of the automated financial management system which we initiated last year at a cost of \$10.3-million;
2. One hundred thirty-three core learning teachers to teach the basics at a cost of \$3.9-million;
3. Micro-computers for the classrooms at a cost of \$2.2-million;
4. School Priority Funds will be increased from \$17 per student to \$35 per student. These funds allow for budget flexibility at the local school level, an essential element of school/community based management. This is something that we can do now to give schools more autonomy. The Committee on Education recommended \$50 per student, which would give the average school about \$35,000, in addition to the basic needs. We will

try again next year to increase the appropriations to \$50 per student;

5. Special needs schools to assist schools which need extra help at a cost of \$4.2-million;

6. 503 temporary positions will be converted to permanent positions and the Department of Budget and Finance will prepare a plan for the conversion of other temporary positions in the future;

7. Expansion of the parent/community networking centers to a total of 226 schools over the next two years. The centers will promote more parental involvement in the education of our public school students;

8. Expansion of business and automotive education programs at a cost of \$1.3-million. This is the first phase of a six year plan to improve vocational education;

9. Seven new learning centers at a cost of \$800,000; and

10. After-school instruction for students who need or want extra help at a cost of \$4-million.

"However, there are still many unmet needs in schools which we should address next year and with the help I really want, we will succeed.

"For example:

1. No new security funds were added to prevent violence and vandalism of our schools. This problem is causing growing concern in our community. I was surprised to find that a \$60,000 appropriation for an innovative school pride program in the Waipahu and Campbell School complex was cut from the budget. I hope my colleagues will support this in the future;

2. We need to try again to extend the school day and the school year for those students who need or want extra assistance. The extended day funding I mentioned before was only half the amount the Governor requested and the moneys for free summer school were cut out entirely except for \$25,000 for a study;

3. No library assistants for school librarians. If we are truly concerned with the language arts area, we should give librarians clerical help so that they can do more effectively what they are hired to do -- teach our students;

4. Our school facilities require our immediate and continued attention if we expect students, teachers, and the community to feel pride in their schools. Ten million dollars was cut from the \$40-million recommended by the Executive and by the Committee on Education, and also by the Committee on Finance. This cut will probably mean a large reduction in renovation of bathroom and shower/locker facilities, and will also mean a substantial cut in renovation of science classrooms. Mr. Speaker, last year we established a systematic repair and maintenance program with roving maintenance crews and computerization, moving towards technology. The \$10-million cut will slow us down in our efforts to catch up with the backlog in repair and maintenance. We intend to address this matter again next year;

5. Utility funding for next year was cut from \$1-million to \$200,000. By the way, the \$1-million was the House position. The Department currently projects a utility deficit for this year of almost \$1-million. I fear the Department may have to transfer money from educational programs to pay its electricity bills. Is this another example of not giving enough money to meet the

Department's needs. It's like giving only 35 cents to a student who attends public school for lunch when lunch is 45 cents.

"These are just a few examples of the many cuts in the needs of our public schools. I sincerely hope that we can work together next year to improve on these important needs.

"Finally, Mr. Speaker, I wish to thank all of the members of the Education Committee and all of the members of this House who showed their support of the Committee on Education's budget recommendations. I know that the great majority of my fellow colleagues are sincerely committed to building a better public school system.

"I also wish to thank the Chairman, the members, and the staff of the Finance Committee who worked in a very difficult situation this year. And thanks to you, Mr. Speaker, for your interest in education and your assistance to the Committee on Education.

"But most of all, I want to thank the people of Hawaii who provided the needed funds for our public schools through the taxes and showed through their actions that they support our efforts to rebuild our public schools.

"Thank you."

Representative Hemmings rose to speak against the bill, stating:

"Mr. Speaker, I have been accused of being very predictable in speaking against the budget but I would submit to the Majority Party that you, likewise, have been very predictable in the manner by which you bring this budget into fruition and the amount of money you increase to spend every year. It took sixty days to get through this session and sixty days to build this budget, and in a free and open democratic society, I would like to ask your indulgence so I can exercise my right to dissent.

"I rise to speak against the budget for two very specific reasons.

"The first is the process by which the Legislature, in collusion with the executive branch of government, comes up with spending over \$4-billion of the taxpayers' hard-earned money. Though some of it may be well intentioned, nevertheless, the facts are that the public, and even the legislators, I submit, do not have full access or comprehend the budget. This system is often mired with political maneuvering, oftentimes a few minutes before the session, or deadline of putting the bills on the deck. Late evening or early morning sessions on the budget are inaccessible to the public and sometimes it is difficult, if not impossible, to actually get the working documents to find out the particulars of how these billions are going to be spent. But I guess in order to protect the system, especially concealing some of the mismanagement, and the less the public knows, unless collectively, this Legislature knows the better.

"It is not too long ago that we saw an expensive quasi-military police force being built in the State Judiciary right under our noses. Many legislators did not know what was going on or chose to look the other way because that's the way the boys wanted it.

"The point is, Mr. Speaker, we're spending the people of Hawaii's hard-earned money through their sweat and toil. I'll concede that much of the spending, if not most of the spending, in this budget, as Representative Arakaki said, is good spending -- spending that will help a lot of

people. Nevertheless, there is a lot that shouldn't be done and that is what I am speaking against.

"This session has been consumed by a frenzy of spending because of the surplus. There has been a race by government agencies to spend money in any way possible rather than being forced to give it back to the people who earned it.

"My second concern with the budget is and has always been -- what does it do and how does it do it?

"This budget is a record breaker. Constitutional limits have been busted in order to pass this budget. Though I would like to go item by item through a list of examples of apparent waste, inefficiency and duplication in this budget, I'll summarize.

"I, too, would like to thank my staff for spending the time and energy to ferret out these items under extreme difficult circumstances because we can't get behind the closed doors and we don't have direct access to the budget working sheets. I often wonder, when the Majority Party proponents of this budget get up on this floor and brag about what a wonderful investment it is, why they have to hide so much of the particulars and the process by which they arrive at it. If this budget is so great, why is it held in such secrecy when it is put together? Why isn't it discussed openly and freely as it should be?

"Let me give you some examples of what we have found in the budget which is questionable. In the area of duplication, just one form of waste. We are going to spend \$100,000 on the Governor's budget for a master of corrections position to oversee compliance with federal regulations in our prisons. This is a classic example of paying for the same thing twice. This is a trend. The Department of Program is not working. Rather than demanding accountability and better managing from the people we are paying hundreds of millions of dollars to get the job done, we simply fund another program to supervise or coordinate the failure of the existing program. It sounds crazy because it is crazy.

"Let me give you some other examples of duplication in the Governor's Office alone.

"The Governor's Agricultural Coordinating Committee will spend \$6-million 'to identify and administer problems in the agricultural community.' Most of these programs provide for plant and animal pest control matters. I thought that's what we have the Department of Agriculture for. Now, we need nearly \$6-million in the Governor's Office too? Did you ever stop to wonder why the Governor should be spending this money?

"We created a new agency -- the Use Service Board -- which duplicates activities in the Office of Children and Youth and, in some respects, the Family Court. So we got a problem -- we'll pay once, twice maybe, and three times to solve it. The Office of State Planning gets \$100,000 to control violence which I thought we were paying the Department of Education, the Department of Corrections, the Department of Health, the police and courts, millions for. There's no reason for the Office of State Planning to be dealing with violence.

"How about the Pacific Health Commission in the Governor's Office? We're going to spend money; I'm sure someone is going to make money, and I'm not sure what the people of Hawaii is going to get out of it but when that bill comes up later, maybe we can have some discussion as to where this money really is going. While I could go on and on about the duplication in the Governor's Office alone, it is clear that this budget -- his

budget -- has increased by millions and that's a lot of discretionary buying power.

"Well, at least we have some fancy names for slush funds. For instance, \$40,000 for two separate protocol funds. That's lunch money for the Governor and the Office of State Planning. Incidentally, there seems to be a protocol fund throughout the Executive Budget.

"There are other examples of duplication, inefficiency and waste. In fact, the DBED has really become the dumping ground for expensive government initiatives in the name of economic development. The DBED budget has grown unbelievably over the last several years. Is there a thriving high tech industry in Hawaii? Truthfully, let's answer it. Are we any more energy self-sufficient than we were fifteen years ago when we launched energy self-sufficiency in this State with government money? Do we have aquaculture industry the DBED promised us? I guess we are going to get a film industry or a shibai facade of one -- spending \$7-million to build one stage while producers go downtown to rent facilities because the State's charging them too much. The real truth of the matter, Mr. Speaker, is that, in spite of spending millions in the name of apple pie and motherhood and economic development, the reason we don't have economic diversifying opportunity come our way is because this is an expensive and difficult place for business to do business. Ironically and sadly, all the bills to make the economic environment better for the workers and producers of Hawaii, we're not even giving the courtesy of a hearing in this House.

"We're going to spend over a million for SHIPDA bureaucracy so they can administer the con process that has proven to be a detriment to the health care market in Hawaii. We continue to subsidize certain doctors' malpractice insurance while the tort system plagues doctors, cost consumers millions, and makes a handful of lawyers multi-millionaires, and we call this social justice? In fact, the Health Department itself, in its budget testimony, justified its proposed increase for private rural hospital subsidies by noting 'cost increases in the hospital malpractice liability insurance cost inflation is expected to increase 15 to 30 percent per year until some sort of tort reform measure are enacted by the Legislature.' I can't help but note the irony of the Health Department making such a statement to the very Legislature that refuses to enact any significant tort reform.

"Just the other day, a constituent came to my office and was stunned because she heard in a little liberal democrat's office that Fred Hemmings was greedy because he wanted to give the surplus back to the people rather than spending it on much needed social programs. Mr. Speaker, I want the record to reflect that I am in favor of more pay and additional hiring of social workers. I am in favor of purchase of services of cost effective social programs. Colleagues, I submit to you that the greed in social service lies with the faceless, huge expensive government social system that spends untold millions while the plight of the needy grows worse.

"Mr. Speaker, this is a form that citizens needing public assistance have to fill out. It is a State form, it's huge. This is how the bureaucracy spends its time. . .

At this time, Representative O'Kieffe yielded his ten minutes to Representative Hemmings.

Representative Hemmings thanked the Chair and continued his remarks, saying:

"The point is, Mr. Speaker, the money is being wasted on the bureaucracy. Better social programs don't have to come from the tax surplus. They can come from

eliminating waste, inefficiency and fraudulent spending. You see, Mr. Speaker, I am compassionate like all the people in this chamber who purport themselves to be. But I am compassionate for the needy, not for the greedy. I am also compassionate for all the people of Hawaii struggling to make ends meet while government continues to hold the needy hostage as an excuse to spend more money on their own programs.

"Let's talk about problems and accountability. How about the Governor's \$350,000 fund called 'contingency' or the Office of State Planning's \$766,829 contingency fund for emergencies. Those are pretty big contingency slush funds.

"You know, to his credit, the Governor came up with a wonderful waterfront redevelopment plan. The problem is, rather than having creative, productive developers like Horita, Gentry or Hemmeter Corporation develop our waterfront, it looks John Waihee, et al, are going to use taxpayers' money to do it. In the budget, there is \$40-million for Kakaako and another \$19-million for the waterfront with the request in testimony to allow for shifting funds between programs, but that's alright. If something doesn't work like the Aloha Tower Development Corporation, in existence for ten years now, the taxpayers can stand the jerk. Here's a classic: Governor 100, Project Adjustment Fund, \$6-million. That's a lot of adjusting and no accounting. Maybe that's the reason why the Governor could, last year, make a \$45,000 political hire in the Office of State Planning at the same time the Department of Health was telling us they couldn't find a lousy \$1,500 to test for lead in our children's drinking water on the Big Island.

"In the area of transportation, we continue to spend hundreds of millions while the highway fund is depleted. We talked about the years to build the freeway, the Wahiawa Stream Bridge. We know that the Maui airport is going to be way over budget because of the poor planning. The result -- huge budget overruns. So rather than demand efficiency, we ask the taxpayers to pay more.

"Mr. Speaker, there's millions being spent on activities and business ventures that the State had no business being in in the first place. For instance, we're subsidizing a politicized monolithic and mismanaged State hospital system to the tune of over \$30-million when there are better alternatives.

"This budget also includes some big ticket items that spend money that doesn't have to be spent or could be spent in a better way. Example: \$90-million to buy Kapalama property, charging taxpayers to buy taxpayers' land, and \$30-million for rent subsidies in a market where prices have been driven up because of mismanagement by government.

"Much more could be said about duplication, about the inefficiency, waste and mismanagement that this budget is paying for. My office is full of audits documenting them. You have them, too. You may wish to re-read them. They all pretty much say the same thing. They say, and let me use my favorite 'm' words -- mismanagement, malfeasance. I agree that most of this budget is well spent, but too much isn't. We're asking the people of Hawaii to pay for over \$4-billion a year for more of the same. I cannot, in good consciousness, support this budget and, therefore, will vote no.

"Thank you, Mr. Speaker."

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

"I feel that Representative Cavasso's speech was very moving but he lives in a dream world. He believes that if you cut off the funding, the medicaid funding, that abortions won't happen.

"Back in 1969, when the testimony was taken on the change in the prohibition against abortion here, we heard again and again that illegal abortion was the leading cause of maternal death. We heard that well-to-do people here who felt the need for abortion went to Japan. The people who had problems, who couldn't pay for a trip to Japan, used the back-alley practitioners.

"I wish that Representative Cavasso's dream world was true, but it isn't. The decision for abortion is probably a very difficult decision for a pregnant woman. I think it is well that the State is providing aid for those who can't pay for this.

"Thank you."

Representative Metcalf then rose and stated:

"Mr. Speaker, I rise to speak in support of the same measure and ask that Representative Hayes' remarks regarding this measure be included in the Journal as my own."

The Chair "so ordered." (By reference only)

Representative Bybee then rose and requested a conflict ruling, saying, "My law firm is employed by the State of Hawaii to represent the State in the litigation claims on the Aloha Stadium litigation."

The Chair ruled "no conflict."

Representative Bybee then spoke in favor of the bill, stating:

"I would like to, first of all, add my appreciation to the others, Mr. Speaker, for the fine job that the Finance chairman and his committee members, and especially the staff, who have contributed towards bringing forth what is a very complex task, Mr. Speaker, to reach a consensus budget on some very complex issues upon which our State can operate for the next two years. I can only imagine the pleasure the chairman of the Finance Committee is going to have to actually sit down with people and have them not ask him for something over the next few weeks.

"I will support the budget, Mr. Speaker, and vote for it but I do ask that Mr. Cavasso's remarks be added as my own in the form of reservations to this measure."

The Chair "so ordered." (By reference only)

Representative Liu then rose to speak in favor of the measure, with reservations, stating:

"Mr. Speaker, as a member of the Finance Committee, I can attest to the hard work of the staff and I, too, appreciate all the work that they put in to the measure and all the trials and tribulations that they had to meet and overcome to produce this document.

"But on the other hand, Mr. Speaker, I still have great concerns over the process and over the method under which directions this great working staff must take in order to produce this document. There are problems concerning openness which the Floor Leader has mentioned. Some common sense measures, I think, should be worked on during the interim concerning what can and cannot be allowed in terms of being reviewed by the public. There is no reason why worksheets, minus our comments, can't be made available to the public

throughout the day, morning, noon or night while we are in conference. It was kind of embarrassing this session when only the Senate allowed its copies of the worksheets to be reviewed by the public and I would surmise that if we have any concerns about the negotiations, that the Senate did as well, if not better, than the House on many measures. I don't think we were hurt or that they were hurt by allowing at least that minimal period of viewing. But even then, it was only during the times that we met and as we all know, that was throughout the day, early morning hours -- 2:00, 3:00 o'clock in the morning, et cetera -- not a very conducive or fair time for the public as well as members to have a chance to view what we are doing in this document.

"The other problem, Mr. Speaker, I have is that, although there is a fair amount of discussion on need and how moneys are spent, we still are not asking the hard questions consistently. We still use as justifications single page memos from the departments from which or to which the moneys are going to. We still are not asking for true accountability based on questions raised by various audits, and I will address that on some other measures.

"And I hope, Mr. Speaker, that the mood of the public will change such that we here, as well as the Administration, because it is not only the responsibility of this body but the responsibility of the Administration to bring down to us the budget that we can believe -- a budget in which the numbers are truly put together with an assessment of what they reflect.

"For those reasons, Mr. Speaker, I have reservations on this document. I will express more specific disagreements on other measures and I hope my colleagues keep these words in mind as we vote on this.

"Thank you."

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

"Mr. Speaker and fellow colleagues, this afternoon I would like to speak on this particular budget measure from a different context or level, one that is of a County versus State relationship.

"Mr. Speaker, over the last few years and more recently, during the last four months, we have heard the Honorable Mayor of Honolulu lambaste the Governor and the State Legislature for their failure to provide adequate funding to the City and County of Honolulu. In the Mayor's annual rhetorical scoldings directed at the State Legislature, I cannot recall anytime when he has acknowledged the State's assistance in critical areas affecting the city. For our Oahu colleagues' recollection, I have a March 8 article in the **Honolulu Advertiser** where the City and State resumed its hostilities.

"Mr. Speaker, this afternoon I would like to commend both the Finance Committee and the Ways and Means Committee chairpersons for a job well done, particularly to the grants-in-aid to the City and County of Honolulu and the capital improvement projects to this particular county. I would sincerely like to thank the leadership of both houses, the county administration for their participation, and the state administration in working hand in hand in seeing that Oahu gets its fair share of the pie. I personally know for a fact that we cannot all get one hundred percent of the pie but if you include both the CIP and the grants-in-aid to Oahu, I, from an East Honolulu legislator's point of view, feel that we got a good share of the pie.

"To begin this list of accomplishments of the legislative body working hand in hand and in harmony with the

county administration and the state administration, I would first like to mention some of the specific legislations that are in the budget and also specific legislation that is separate from this budget document.

"First of all, I think Representative Joan Hayes should be very proud and Representative Fred Hemmings for the \$1-million for the Waikiki Beach restoration where in the conference draft we did not allow the county to match it. It's a \$1-million grant-in-aid directly to the county of Oahu for the improvement of the Waikiki Beach restoration.

"Secondly, Chairman Andrews and his negotiations of \$50-million for the wastewater treatment plant is going to benefit the public of this particular county through small loans or low interest loans to the county of Oahu.

"Third, our usual grant-in-aid to the City and County of \$31,740,637; and

"Fourth, what Representative Fred Hemmings said was absolutely correct -- another \$19-million for the waterfront project. Out of that total, \$15.526-million for construction.

"This afternoon, Mr. Speaker, to set the record straight, I would like to go into one specific example a lot of members may not be aware of in terms of how the City and County of Honolulu is getting much more than what the Mayor may think he perceives.

"As a specific example, Mr. Speaker and members of the House, the Legislature has appropriated funds to improve, once again, the infrastructure systems in Kakaako which are woefully inadequate and falling in disrepair as a result of the years of neglect by the City and County of Honolulu. Since 1983, the Legislature has appropriated some \$61-million for these improvements. If you add that to the CIP appropriation of \$37.4-million in this year's budget bill, the amount that we have committed over a six-year period to improving Kakaako totals some \$98-million. To date, the city has not committed any funds to the redevelopment of this particular area.

"Mr. Speaker and members of this House, in addition to the general public, who is the major beneficiary of these improvements that are being done throughout this county? It is not the State but, rather, the City and County of Honolulu.

"The infrastructure improvements have been instrumental in promoting a substantial volume of new private developments. These new developments have resulted in an expansion of the real property taxes and, likewise, an increase in real property tax revenues.

"The recently completed Waterfront Plaza and the Royal Capitol Plaza and the Pacific Park have already been added to the city's tax rolls and it needs an annual tax increase of \$1.3-million of property taxes. Furthermore, Mr. Speaker and members of this House, we have two projects currently under way and the construction will result in an additional \$1.2-million which is an estimated increase. And this, Mr. Speaker, is only the beginning. As improvements are made by the State and as new projects are developed, land valuations in Kakaako will continue to increase. The projected increase in property tax revenues over the next thirty years is about \$700-million. That, Mr. Speaker, I think is a sizeable grant-in-aid to this particular county. Funding of this particular redevelopment of Kakaako, Mr. Speaker, is just one example of the indirect assistance that the city is receiving from the state. The city realizes this

untold benefits that are of the result of state-funded programs and projects, Mr. Speaker.

"In closing, Mr. Speaker, I believe that the Legislature has been generous in providing financial assistance to the city and also to the people of this county of Honolulu. I, therefore, urge all of my colleagues to vote in favor of this particular measure.

"Thank you."

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

"Mr. Speaker, you know there were several important budgetary items included in the budget bill which originated from the newly expanded Committee on Intergovernmental Relations and International Affairs which is commonly known as IIA, sometimes the CIA but really the IIA. . . just a joke.

"Mr. Speaker, I want to thank you for your foresight and wisdom in creating this expanded committee because it really gave a lot of discussion this year. I want to take this opportunity to thank the members who served on the IIA Committee and for your support, for your advice and, sometimes, lively discussions. Thank you, members.

"I want to especially take this opportunity to thank my Vice Chair, Representative Baker, for her willingness to sit in hearings where I could not attend when I was in other hearings and to, at times, chair the Committee on IIA for me. Thank you, Roz, for your energy, your patience. Thank you for your support.

"But, you know, the success of this Committee's work would not have been complete without the wisdom, foresight and support of Chairman Joseph Souki and the members of Finance, together with the members of the Ways and Means Committee.

"You know, one of my primary goals this year was to find a long-term and stable mechanism to give the counties more basic funding to increase the amount and quality of the delivery of services to the people of this State in such areas as highway safety and infrastructure improvements.

"The annual grants-in-aid amount of approximately \$18.1-million since 1973 was increased for the year 1989-1990 to a whopping \$71,968,254! And that's not counting all of the individual projects that have been funded for the various counties. And for those of you who are looking in your budget, complaining about where things are, that's on page 159, section 221.

"And although the very creative and well thought out liquor and tobacco tax formula died a final death in conference, although reincarnating in several forms at times, I am going to wait to hear from the Tax Review Commission but state now that I am very grateful that the intent and spirit of that tax created more funds in the end for the counties.

"The other primary goal of mine, chairing this Committee, was to establish a fund for an International Affairs Office in the Governor's Office which would serve to bring together to monitor and to hold accountable all agencies dealing in the area of international relations. You know, Hawaii's strategic geographic location, its multi-ethnic and cultural mix, and its warm climate and scenery, are certainly pluses which could have Hawaii play a key and major future role in serving as a meeting place for our neighbors in the Pacific Islands and Asian countries to come together and to share ideas and concerns commonplace throughout the world.

"Gov 100 has provided funding for \$300,000 and \$250,000 for the next two years for temporary positions to create the International Affairs Office. What that is going to create is a brighter future for our generations to come. Hawaii is not in a vacuum. We've got to reach out and we've got to reach out now, and we've got all the resources to do it for a better tomorrow.

"Finally, Mr. Speaker, on page 66, under section 7, BED 102 provides \$250,000 each year for the next two years to promote, support and expand Hawaii's International Film Festival. This kind of project brings a lot of pride to our local people whose filmmaking talents are enjoyed and appreciated by our residents and people throughout the world.

"I urge my fellow colleagues to vote aye on House Bill 205, HD 1, SD 1, CD 1.

"Thank you."

Representative Marumoto then rose and stated:

"Mr. Speaker, I will be voting for the budget and would also ask the Clerk to insert the remarks of Representative Hayes as my own, and in doing so, I think we can take this moment to recognize the pivotal role that she did play in lobbying successfully for choice twenty years ago. So, thank you, Representative Hayes. I think the women of Hawaii are appreciative."

The Chair "so ordered." (By reference only)

Representative Marumoto then asked the Chair for a conflict ruling, saying, "My real estate firm has assisted the State in some property acquisition."

The Chair ruled "no conflict."

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

"Mr. Speaker, I would like to respond to a couple of items that have been mentioned by previous speakers, particularly one that criticizes the process by which we formulate decisions in the Legislature.

"Mr. Speaker, if we have problems with the process at the Legislature, and if the process seems cumbersome, it is because democracy is cumbersome.

"If the executive operations seems cumbersome through formulation of rules, regulations, demands by the public for more openness, et cetera, it is because democracy is cumbersome.

"If the committee processes of any given Legislature, of any City Council, of the Congress is cumbersome, and sometimes perhaps it seems even secretive, it is because democracy is cumbersome.

"The one thing we must all understand, Mr. Speaker, is that the Constitution never guaranteed efficiency in government. The most efficient form of government is that of a dictatorship when autocracy which is, I believe, sometimes those of us who come from the private sector and who live by the principles of the private sector where one person -- a chairman of a board, a president of a bank -- can in one sweeping motion make decisions that affect millions and millions of lives. I do not believe that is the kind of government that we would support, that we want.

"Secondly, one thing about democracy -- it does have a tendency to take risks. Mr. Speaker, I remember back in

1982 -- my first year in office -- where the word around this State was that there is no money. We could not roll the dice and I recall that, even going back before that and up to this point in time, when our schools were in total disrepair, chaos, because there was no money. So for the first time, and I believe in almost a decade, when we finally came up with some few extra dollars of money -- hey, \$500-million is not a few extra dollars; let me say we came up with a lot of money -- and we faced the decision, knowing that there was going to be a demand from the public to return the full amount of the surplus versus trying to move the hands of the clock back in time and start fixing all those things that we know the public has been complaining about for the last ten years.

"So I believe those decisions that we made, particularly with respect to education, human services, some of the Judiciary programs, have been good ones. I would be the first to admit that the budget contains some risks, that we have stepped out a little bit, and I think there is a reason for that because we have a Governor who is willing to take some risks. There is a Governor who understands that society cannot stand still, that if we are not willing to roll the dice, we are going to die -- surely -- and I think it is particularly critical for this State -- 2800 miles away from the mainland United States -- to be able to operate and act independently, to make our own decisions, and not be influenced by fads, trends, or whatever that drift this way from the mainland. So we do business a little differently.

"So, the risk taking, I welcome, and I think there's going to be a few things that we have done this session that will probably going to prove wrong, but I think far more things that we did this session are going to be proven beneficial to the people of Hawaii.

"I will stand by this budget. I commend the Finance Chairman. I commend the 51 members of this House who had to hammer out, argue, fight tooth and nail on individual bills and individual programs. I am sure everyone sitting in this chamber have some problems with something in the budget but that is the democratic process, and I believe we have held. . . our Party has held open legislative hearings this year, open legislative process -- as open as it ever was and as it ever probably can be. We do sometimes, Mr. Speaker, have to bend rules a little in order to bring a little bit of efficiency to democracy. And I believe that also is in the interest of the people.

"For these reasons, Mr. Speaker, without referencing any specific items in the budget, I am proud of the budget, I stand by it, and I am willing to go to the polls next year to face the voters of my district and tell them that I think we did a good thing.

"Thank you."

Representative Anderson then rose and stated:

"Mr. Speaker, I would like to speak for the budget; however, Mr. Speaker, I would like to make a few comments that my colleagues were saying earlier.

"Yes, we have lots of money and I personally voted against, or I would have voted against, returning any money because it would have gone to every person -- men, women and child -- and I was against that.

"There's a lot of people that's going to get money and they don't pay any taxes. But they are sitting here now saying that the counties ought to be fortunate over what we're giving. The taxpayers of this State don't give one damn if they're giving it to the State or the counties.

We're overtaxing people, we are overtaxing the counties, and we are not giving them a fair share.

"This county has 84- or 85-percent of all taxes and we deserve, in this county, every damn dollar we get, and now we're saying how fortunate we are because they have to come on bended knees. Until my colleagues across the aisles realize that they deserve a portion of the excise tax, we're going to be in trouble.

"Yes, a democracy is great. I agree with the Floor Leader and I think that everybody here has worked hard, but the counties ought to have a chance to come up with a budget so that maybe our membership over here doesn't have to work as hard. Maybe if each county had a chance to work out a budget and not come here, our time of sixty days would be a lot better. Right now, this State has taken on more responsibility, maybe, than any other state.

"But, Mr. Speaker, our budget -- I'll stand by it. Some areas may be wrong but the people out there are demanding more services today. But don't let anybody ever fool you to say the counties are to be very, very fortunate with what we are doing. We ought to look at ourselves and say, hey, we are having a problem here and they deserve, with home rule, a portion of that excise tax so that the taxpayers out there don't have to worry about -- are we going to pay more for our property tax or are we going to be taxed some other way so that the State is getting their fair share and the counties are getting their fair share?"

"I wish that all of my colleagues would vote in favor of the budget, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 205, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Cavasso and Hemmings voting no.

The Chair directed the Clerk to note that H.B. No. 205 had passed Final Reading at 5:19 o'clock p.m.

At 5:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:44 o'clock p.m.

Conf. Com. Rep. No. 12 on H.B. No. 1822, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1822, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS TO THE DEPARTMENT OF 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. 1822 had passed Final Reading at 5:45 o'clock p.m.

Conf. Com. Rep. No. 13 on H.B. No. 1906, HD 1, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1906, HD 1, SD 2,

CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, often, key moments in history pass without very much fanfare, only to be discovered later by perhaps a bright graduate student working on a dissertation, trying to find that exact moment when that spark was struck that made major change. The spark we light today is hardly noticed, Mr. Speaker, by those it will most affect.

"In Hawaii, a homeless family, perhaps living on the beach, does not know that soon they can bring their children for free health care checkups, for immunizations, and even in-patient care.

"A poor immigrant arrives, perhaps several years after their relatives, and consciously avoids the health care system in the fear their relatives will be socked with an enormous bill. On the passage of this Act, that immigrant will have access to free care and need not fear the impoverishment of their family.

"A pregnant woman will have much greater chance to deliver a healthy baby and that child will live a healthier life because of this bill, and some 30,000 of our brothers and sisters, Mr. Speaker, whose lives will be changed for the better.

"But the light from this small spark also flickers beyond our shores. America will probably not record or acknowledge the names Waihee, Kihano, Lewin, members of the Legislature, or even a staff member who wrote the committee report -- Pam Lichty -- and other members of my staff. But perhaps America will remember that it was Hawaii -- the Aloha State -- which was the first to really piece together a comprehensive health care system.

"When this health insurance program becomes a reality, heads will turn. Initially, professionals, sort of curious about what we've done; later, other Legislatures in a desire to learn and to imitate. They will see a state far ahead by virtue of its Prepaid Health Care Act and universal system of health care that tries to include all. They will see a commitment to each and every member of the community in ways that many, many other states have yet to even contemplate.

"Mr. Speaker, you stand today in front of one of the largest tapestries in the world and, to me, this tapestry symbolizes that as we hope to improve society, we are legislative weavers of social tapestries. Through our hands, right notions travel -- mountains, rainbows, oceans, yearnings. We toil and we dance to the images we're learning, hues entwining destinies, each thread, Mr. Speaker, held by dependencies. The opposites pursue their courses but we appreciate each other's sources.

"Today, we weave a tapestry of caring, one that our people and those watching from afar will admire and seek to imitate.

"A small spark of history is lit today, Mr. Speaker, and I would like to thank all who contributed to it and encourage all to continue to work to make it successful.

"Thank you."

Representative Liu then rose to speak against the bill, stating:

"I agree with the Chairman of the Health Committee that this is a turning point in history but I am concerned that it is the wrong turn that we are taking.

"The bill envisions us spending \$14-million. . \$14-million without a plan in front of us. There are very few programs, Mr. Speaker, that I have seen come through these halls with no written plan -- nothing -- to present before us except words from the mouth of a department chairman.

"So what are we doing out of this \$14-million? A million will go to a consultant, not to ask the threshold question of whether or not this is the best means to help those 50,000 people or, in fact, the 30,000 which this bill will encompass. The report will have to assume that a health insurance program of this kind is the best means of providing care to the so-called gap group and then proceed onward.

"The problem with this approach, Mr. Speaker, is that the care envisioned by the insurance program, as defined by the bill, is supposed to focus on so-called preventative care. Preventative care is care that supposedly you go before you get sick, that you use before you get sick. Human nature being as it is, there are very few programs of that nature which are that successful because we usually feel that we need health care when we aren't well.

"The cost of that kind of program, the normal health care plan, which the Director of the Health Department says miraculously will appear before us because the private sector will want to compete for this contract, the actual cost of a basic health care plan similar to, say, HMSA's Group Plan 4 for 25,000 people, will cost approximately \$31.5-million a year. Over a biennium, that's \$63-million. This bill talks about \$14-million.

"So what's the point, Mr. Speaker? Are we committing to something only to say later, well we don't have enough money so let's pour in another \$40- or \$50-million to make up the difference? Is this the so-called one-time investment in the future that this Administration has talked about? Is this something which the people of Hawaii are ready to bear?

"And my real concern, Mr. Speaker, is that, in the competition for human services dollar, other programs are going to become sacrificial lambs for this high profile, headline-grabbing program. Programs to fund our senior citizens, programs to fund drug abuse for children, programs to fund family planning in education -- all of them which have been scrambling this year have been sacrificed or, in the future, sacrificed for this program.

"I also have concerns, Mr. Speaker, about how we are going to approve the expenditures. Supposedly there is some safeguards here because this language which says that money cannot be expended unless the Governor approves it and we review, but that review by the Legislature does not require any vote, up or down, on any legislative measure or resolution. By inaction by a certain date, the department will have a blank check to go ahead and spend the money on an insurance program. Nowhere in the program is the Insurance Commissioner brought into play to help review the various private sector insurance programs which may be available. It is completely left up to the Department of Health, a department that has put us fifty-first in the area of mental health, a department which saw fit, despite pressures on the dollars in its budget, to expend \$147,000 to put together that very lovely pastel-colored annual report.

"I have grave concerns over the definitions of 'gap group,' Mr. Speaker. In this gap group, if you read the bill, a person need merely be one who chooses not to

purchase insurance to potentially qualify for this program. Someone could be making \$50,000, decides not to have insurance, and for some kind of fee, and it may be lower than what he or she could get in the private sector, would go ahead and purchase this insurance. There is no guarantee that the cost of this program to such an individual would be any more than if he went out to buy it in the open market.

"Mr. Speaker, there are a number of health care providers throughout the State to purchase the services of free-standing health clinics that are struggling right now but which are servicing thousands of the people that the chairman of the Health Committee has pinpointed. Why not assist these health care centers first or, at least, examine this type of delivery system which can be done for a lot less and perhaps be just as, if not more, effective than what is proposed here.

"For these reasons, Mr. Speaker, I shall be voting no on this measure and, yes, I hope history will stop and contemplate the turn that we are taking this evening.

"Thank you."

Representative Alcon then rose and stated:

"May the Clerk record the remarks made by Representative Shon as mine except for the fact that when he referred to immigrant, it was a blanket reference to all immigrants. I wish that he would have said some immigrants."

The Chair "so ordered." (By reference only)

Representative Alcon continued, saying:

"Mr. Speaker, this is a good bill because of the fact that there are a lot of immigrants who work two or three jobs and the only reason why they do it, Mr. Speaker, is because of the fact that they have to earn a living. But the problem with businesses today, Mr. Speaker, is that they let them work for less than twenty hours, therefore, they are not entitled to some benefits like medical care so this bill is good for them. Now and then, if society is not willing, or even businesses are not willing to take care of them, somebody has to take care of them. After all, they are part of the population.

"Mr. Speaker, I would urge every member of this body to vote for this bill.

"Thank you very much."

Representative Marumoto then rose and requested that her remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Marumoto's remarks are as follows:

"Although I signed the Conference Committee Report 'free and clear', I am voting 'no' because of the invitation for all, **regardless of income**, to avail themselves of this government health insurance.

"It is a humanitarian measure especially when directed to those who cannot afford insurance. But this is also available to those who merely 'choose not to obtain health insurance' and to dependents of insureds who do not qualify.

"I foresee the more transient types in our society who have the means to buy private insurance to take advantage of this program. In addition, I predict

thousands of Hawaii college students using this State insurance for years until they obtain jobs.

"How do we force people **not** to use this supposed cheaper government program? The bill merely calls for us to 'discourage' individuals who are already adequately insured. The bill also calls for those who have the ability to pay be assessed on a sliding fee scale. But, again, can we compel people to sign up and pay for this insurance? How can we when the purpose clause says that the Legislature finds a 'compelling public interest to provide for the health and well-being of all the people of this State' and further ensures that 'all residents, **regardless of . . . income. . .**' have access to health insurance coverage.

"I hope I am wrong for this bill will pass and be enacted and \$14-million is likely to be spent in the next biennium. If too many persons sign on to this program, future appropriations will increase. The eligible population is estimated at 50,000 according to the Department of Health. But a Hawaii Medical Service Association executive has stated that if 25,000 persons sign up for this insurance policy, the yearly cost will be \$31.5-million!

"I submit a letter to Senator Mary George from Eugene I. Fujii of HMSA for the record. (Exhibit 1)

"Despite my fears, I hope that rules and regulations and the insurance program developed will be a workable, cost-efficient one and will improve the general health of the under-insured people of Hawaii.

"Mahalo."

"EXHIBIT 1

February 14, 1989

Senator Mary George
The Fifteenth Legislature
Hawaii State Capitol
Honolulu, HI 96813

RE: Universal Health Insurance

Dear Senator George:

The following information has been developed in response to your question regarding a State Health Insurance Program (Universal health insurance) -- what would it cost to provide standard health plan coverage to the gap group?

In developing the estimates, we made the following assumptions:

- a. The gap group would have a high percentage of single people. We used a ratio of 70% single and 30% family coverage. The ratio for HMSA groups which are covered under our standard group plan is 65% - 35%.
- b. The group will be composed of high risk people -- those who use more medical services than the average person.
- c. Cost estimates are based on coverage beginning in 1990.
- d. The standard health plan coverage is HMSA's Group Plan 4 that qualifies under the Prepaid Health Care Act.

The estimated monthly dues for such comprehensive coverage is approximately \$105,000 per 1,000 persons in the gap group. If one half of the estimated 50,000 people in the gap group were to be so covered, the approximate dues would be \$2,625,000 per month or \$31,500,000 per year. These are very rough estimates meant only to provide a general cost perspective.

We are also enclosing information which we just received from Blue Cross and Blue Shield of the Rochester Area. Their ValuMed program is also designed for the uninsured and provides a different approach in that it has limited coverage for acute care (including inpatient) which is absent in the two bills (SB 1836 and HB 1906) now before the Legislature. The Rochester plan apparently depends on the cooperation of participating physicians and hospital to help keep the cost of the program reasonable.

If we can assist you further, please call me at 944-2443.

Sincerely,

/s/ Eugene I. Fujii
Administrator
Contracts & Legal Liaison

EIF:el

Enclosure"

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1906, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HEALTH INSURANCE PROGRAM," having been read throughout, passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Anderson, Bunda, Cavasso, Hemmings, Liu, Marumoto and O'Kieffe voting no.

The Chair directed the Clerk to note that H.B. No. 1906 had passed Final Reading at 5:55 o'clock p.m.

Conf. Com. Rep. No. 14 on H.B. No. 360, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 360, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Arakaki then 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."

Representative Arakaki's remarks are as follows:

"Mr. Speaker and colleagues, I wonder how many of you have looked into the eyes of an abused or neglected child and had to explain why the person responsible to provide love and care, chooses to hurt them instead. Can you imagine also trying to explain why they must be separated from their families for their benefit? Is it any wonder why most of them see themselves as the cause of the problem and their removal as their punishment? Why do we allow foster children to be placed in an average of 5-6 different homes by the time they reach 18? And to make it worse, why do we place them in the homes of families who, though well intentioned, are inadequately trained and under compensated?

"We, as legislators and policy makers for the State, must shoulder more responsibility for those children from whom we take custody. In essence, the State has been neglectful as parents. On their eighteenth birthday, we

essentially tell them, hey it was nice taking care of you, hope you'll be okay because now you're on your own.

"House Bill 360 will open at least one door of opportunity to our foster children and allow them to continue in foster care if they choose to further their education. This, along with an item in the State budget to raise the foster board payments for all foster parents, will hopefully mean a better quality of life for our foster children.

"Mr. Speaker and fellow members, I believe that removing children from their families should be a last resort, that resources should be directed to preserve a family's unity, but if a child must be removed, then let us provide for that child all that we would want for our own children. As long as I continue to serve in this Legislature, I am committed to seeing that our foster children are not forgotten. I ask all of you to support House Bill 360 for their sake."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 360, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15 on H.B. No. 911, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 911, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TREATMENT OF INCARCERATED SEX OFFENDERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 18 on H.B. No. 1217, HD 3, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1217, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21 on H.B. No. 958, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 958, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings rose to speak in favor of the bill, with reservations, stating:

"I just want the record to reflect there are reservations about this loan. It is basically a loan for Hilo Coast Processing. We believe by voting 'yes' that we want to support the immediate need up there but we also want to make sure that Hilo Coast Processing is a Hawaii corporation, as it should be, to legally qualify for this loan.

"Secondly, the record should reflect that sooner or later, we are going to have to come to grips with the future of sugar in Hawaii. Is it on our official life support system? Can we afford to keep pouring millions and millions into the industry? Those are serious questions. We spent \$10-million last year; we are spending \$8.5-million this year. Sooner or later, we are going to have to come to grips really on this.

"I am voting yes but I have reservations.

"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. 958, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33 on S.B. No. 1128, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1128, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OHANA ZONING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 on H.B. No. 1299, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1299, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FOSTERING INTERNATIONAL ACTIVITIES," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Hemmings and Liu voting no.

Conf. Com. Rep. No. 41 on H.B. No. 1544, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1544, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 1544, Senate Draft 2, Conference Draft 1.

"Mr. Speaker and fellow representatives, on May 14, 1955, a man sailed the 5,000 mile distance from Honolulu to Manila, navigating by the stars in a frail boat that he had built with his own hands. The man's name was Florentino Das, a Filipino fisherman and shipyard worker from Maili.

"Das undertook the voyage to deliver a boat that his relatives in Samar, Philippines, needed for fishing. He first thought of sending the boat the easier way, aboard a steamship. He did not have enough money, however, and decided to undertake the dangerous crossing alone.

"With the help of his children, Das built a boat, the 'Lady Timarau,' in the family garage. It was 24 feet long with 125 square feet of sail. He prepared for the journey by reading books on stars, weather forecasting and charts. After he felt that he had finished his self-instruction, he plotted a course and showed it to authorities. They laughed, because the route was so dangerous that it was unthinkable for such a small boat.

"Undaunted, Das proceeded with the trip. When others pointed out the dangers of the voyage, he declared, 'If God feels it's my time to die, I will die no matter where I'm at, even if I'm standing on my own front porch.'

"During the trip, Das used only a compass and sextant for navigation. After safely reaching his destination, Philippines President Magsaysay made him an honorary commodore in the Philippine Navy. He was honored as a hero in the Philippines, but received almost no recognition in Hawaii. Despite this, he remains a part of the history of Hawaii and his incredible journey should be acknowledged as such.

"In this times of turmoil among youth, evident in the growth of the youth gang problem, Filipinos and other youths need more role models to encourage positive, productive pursuits. As a folk hero, Florentino Das' accomplishment could serve as a model and learning tool to inspire others to set high goals for themselves.

"It is therefore imperative that the 'Lady Timarau,' or a replica, be brought to Hawaii as a historical relic of this magnificent feat. I urge all my colleagues to vote in favor of this bill."

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

"This bill recognizes men's quest for the impossible dream. With this recognition, Mr. Speaker, it will move and motivate others to be creative and strive to achieve what they believe in.

"I thank you and my colleagues for their support.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1544, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARITIME ACTIVITIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 42 on H.B. No. 81, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 81, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 81, House Draft 1, Senate Draft 1, Conference Draft 1.

"Mr. Speaker and fellow representatives, the travel industry is an important part of Hawaii's economy, and the world's economy, accounting for one-fourth of the world trade in services. To take advantage of the expertise of Hawaii organizations in this area, this bill will establish an international tourism consulting center and clearinghouse, attached to the Department of Business and Economic Development for administrative purposes only.

"This tourism center would promote and coordinate tourism-related services, such as consulting, research or training, by Hawaii companies, non-profit organizations and educational institutions, for clients in the Pacific and Asia region, and would also develop long-range plans to preserve Hawaii's expertise and leadership in international tourism development.

"An increase in these activities, which are tourism-related, but which do not place an added burden on Hawaii's resources, would be greatly to Hawaii's advantage. For these reasons, I urge my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 81, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF TOURISM," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hemmings voting no.

Conf. Com. Rep. No. 43 on H.B. No. 79, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 79, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 79, House Draft 1, Senate Draft 1, Conference Draft 1.

"Mr. Speaker and fellow representatives, we expect our State's visitor count to increase 2.5 percent annually, that 11.6 million tourists will visit Hawaii in the year 2010, and that Hawaii's resident population will increase from 1.2 million to 1.4 million by that year.

"As an increasing population competes for decreasing resources, greater planning is needed to manage these resources and to minimize strain on infrastructure.

"This bill would provide for the first steps in a major study by the Office of State Planning that will be an important component in planning for this growth. The study will be conducted over a limited area and will be used to develop the methodology for a later, comprehensive statewide study to determine the carrying capacity of the State in the year 2010, paying close attention to the neighbor islands.

"The study will include infrastructure demand (utilities, land use, zoning); social issues; economic issues, cultural issues; environmental issues; and safety issues.

"In closing, this bill would be the first step toward providing information absolutely necessary to allow policy makers such as ourselves to make correct decisions regarding the future of our State. I urge all my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 79, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 44 on S.B. No. 1565, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1565, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

SENTENCING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 45 on H.B. No. 1824, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1824, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR CRIMINAL INJURIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 360, 911, 1217 and 958, S.B. No. 1128, H.B. Nos. 1299, 1544, 81 and 79, S.B. No. 1565 and H.B. No. 1824 had passed Final Reading at 5:58 o'clock p.m.

At 5:59 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 6:00 o'clock p.m.

Conf. Com. Rep. No. 46 on H.B. No. 9, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 9, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative D. Ige then 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."

Representative D. Ige's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.B. No. 9, HD 2, SD 2, CD 1.

"House Bill 9 creates and appropriates \$6-million to the Hawaii Strategic Development Corporation. With this bill, Mr. Speaker, we challenge the business community to become an equal partner in our efforts to diversity the economy of our State. The Hawaii Strategic Development Corporation is a comprehensive capital formation program to provide assistance to business in the initial phases of development.

"The Hawaii Strategic Development Corporation, an integrated economic development organization, is modeled on initiatives in Massachusetts, California, and Pennsylvania, among other states. We have chosen the best parts of these programs to create a flexible organization that will be responsive to the needs of Hawaii. The principle underlying the program is government working in partnership with private enterprise to improve the environment for economic development.

"The Hawaii Strategic Development Corporation is a quasi-public corporation, with a board of directors the majority of which must be private citizens. The Corporation will have seven program areas: research and development, seed capital, venture capital, product development, capital access, film industry and financial services. The Corporation shall have wide ranging powers to create programs that are responsive to the investment needs of Hawaii. The Corporation shall target investments into areas that show promise of creating quality jobs for our people.

"Typical government economic development programs in the past have invested funds directly to support or encourage businesses, either directly through low-interest loans, or indirectly through preferential tax treatment. This results in government agencies becoming bankers of last resort, investing public funds in businesses which could not qualify for loans from regular financial institutions. Since public funds are limited, the impact of such programs is usually limited. And since government agencies are investing in companies spurned by professional investors, it is not surprising that such loans often become grants over time.

"The Hawaii Strategic Development Corporation represents a new approach, in which government investment goes wholesale rather than retail. In other words, rather than investing public funds directly in businesses, the Corporation uses public funds as incentives to attract private investment organizations, from both within the State and out-of-state, thereby increasing the amount available for business start-ups and development. Thus, the Corporation uses the relatively small amount of public funds as bait to attract the much larger amounts of money available in the private sector, while tapping the expertise of the private sector in making the investments. The impact of the public money committed to the project is increased many times over.

"Possible seed capital and venture capital programs would offer to invest State money in private capital investment firms if the private firm will match the State's investment, and agree to invest money in Hawaii businesses. This not only attracts investment money into the State, but also attracts the very valuable skills of the venture capital investor.

"I believe that the Hawaii Strategic Development Corporation is the catalyst to create a much needed capital pool in Hawaii, and I urge all of my colleagues to vote in favor. It is the most important measure for economic development this session."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 9, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 49 on S.B. No. 637, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 637, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50 on S.B. No. 950, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 950, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 52 on S.B. No. 1117, SD 2, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1117, SD 2, HD 2,

CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, this bill is before us today only because of Herculean efforts and sheer luck. In an ironic way, its life represents the low priority often given to the mentally ill.

"First, this bill probably should never have been necessary if a complete package of all the needed services had been presented to us. It took half the legislative session to piece it together, to find if more funds were in the budget, and it took intense lobbying to get full funding even for the case managers which were really a key to the future of mental health in this State.

"It is a tribute to the advocates, the consumers, the families and friends, the government officials who, I believe, are truly dedicated to major change in this area. At the beginning of the session, these different interests were deeply divided. Many were so alienated they could see no hope for progress. They called for a new department to mental health, not because it offered a discernable solution but because it was different, because it was radical surgery. I have seldom seen such bitter divisiveness and frustration at the beginning of the session over an issue. It is a credit to all involved that they came together, that they overcame their public and their private confrontations, that they set aside pride and made a commitment to work together.

"Contained in this bill are budget provisions which represent an amazing consensus. The first in memory, they are word for word as worked out among the contending interests. Cooperation is not easy when the pain and the neglect have been part of life for so long. I, for one, consider it a great honor to be associated in a small way with the people who have come so far in the last few months to put this together.

"Mr. Speaker, I would be remiss if I did not correct, at this time, a statement that has been made again and again on this floor that the mental health system is merely mismanaged and that financial resources are not needed. In report after report, one of the major yardsticks used to rank Hawaii so low in the past has been the amount of money spent per capita. Again and again, poor conditions in the State Hospital were cited. We have made that commitment last year to build a new State Hospital. Again and again, the absence of community-based housing has been cited. We are making a commitment in the budget and in this bill to that housing. That requires funds, and especially the absence of case managers, and I would remind, folks, that case managers don't work for free.

"I must say that I was appalled by the fate of this bill as treated by the legislative system overall. We agreed to the content of this bill last Wednesday. It took more than two days for the managers of the bill in the Senate to present this with even a draft committee report. It was 10:00 p.m. Friday night, very late, but still plenty of time to prepare. I did not see the final version until ten minutes of midnight. It just barely made it, Mr. Speaker. That such an important bill should be treated so casually is unbelievable. I believe it is a symbol of the criticism of an overall system that was designed in 1959, before the enormous growth of government in the '60s, before the enormous growth of our State in the '70s, and before the federal government cut loose its responsibilities and remanded back to the states the responsibilities of major funding for all the programs that was started earlier.

"This bill would not have been in jeopardy if we had built in to our session several additional recess days at crucial times, including at the end of final crossover and just before final decking. It would have been safe if we had established an earlier cutoff for conference committees and decking. There should have been a provision for members of the House to assist the Senate and they should have been willing to take that assistance if they were having problems typing the bill. There should have been a joint House/Senate agreement that all final signatures be gathered in one room and that both the House and the Senate Clerks set up a table there to receive the final drafts.

"I recall a discussion with one member of the dedicated Finance staff who confided that in the last week, he had received like nine hours of sleep. That's not their fault. In a sense, that's sort of our fault, that we need to acknowledge that our system was structured at a simpler time and we need to reform it, I think, for our own good.

"In spite of all this, I can assure you that we will be aggressively pursuing interim work. And for those who may have sought to boycott our interim work, there will be plenty of interim hearings to boycott on mental health this coming interim. In spite of all this, Mr. Speaker, I cannot tell you of the elation that I feel that this bill does sit on our desks today, and I would like to dedicate the bill to all the mental health consumers -- past, present and future -- who have waited so long for a change.

"And very specially and quietly, I would like to personally dedicate this bill to a person who spent a short time with us this session, a fellow worker, John Udabeck. In John's short and troubled life, we are reminded how important each and every person is and how crucial is our willingness to truly listen, to be sensitive, and to recognize when one among us is crying out for help. John, we will miss you, and this one's for you.

"Thank you."

Representative Arakaki then rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1117, Conference Committee Report No. 52, with just a small bit of reservation and, Mr. Speaker, the chairman of your Committee on Health is to be congratulated for his strategic move to incorporate the many concerns for mental health and the mentally ill in this Senate bill.

"I am sure many of you have seen this button with 51 slashes across it and just to allay some of your fears, it's not a movement to eliminate 51 members of the Legislature. Instead, it's meant to point out our shameful ranking of being fifty-first in the country -- and that's pretty bad when you consider we only have fifty states -- for the past two years in a national study that evaluates services for the seriously mentally ill, and this bill will not remove the dark cloud of being rated fifty-first in the country in services for the mentally ill, and also being forty-seventh in per capita funds for mental health services.

"But the problems go slightly beyond more programs and more money. There's definitely a lack of direction and leadership in the area of mental health and in meeting the needs of the seriously mentally ill. And I think it is important that we, as policymakers, make a start to address the grave concerns for our mentally ill.

"The results of our policy formulated several years ago to deinstitutionalize our mentally ill has not resulted in more community services as it has intended to do. Instead, it has created a large segment of homeless street persons and an equally large population of incarcerated

mentally ill in our correctional facilities. It is a sad commentary on our society that forces people to commit crimes in order to obtain services and shelter.

"And, Mr. Speaker, it is my hope that this bill, along with related items in the budget and, hopefully, more cooperation and a little more communication between all the people that are involved in advocating for the mentally ill, that this bill will represent a beacon of our hopes and our desires for more humane treatment of our seriously mentally ill in the State of Hawaii.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1117, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading by a vote of 51 ayes.

At 6:10 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 reconvened at 7:20 o'clock p.m.

Conf. Com. Rep. No. 59 on H.B. No. 913, HD 2, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 913, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 913, House Draft 2, Senate Draft 1, Conference Draft 1.

"Mr. Speaker and fellow representatives, this bill would establish a graduated scale for payments for residents of adult residential care homes, and appropriates about \$3-million per year for those payments. The payments would be determined by facility type and level of care.

"This bill is necessary to ensure proper care for persons in such homes, and would provide for higher payments to those with greater needs. I urge all my colleagues to vote in favor of this bill."

Representative Duldulao then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Duldulao's remarks are as follows:

"Mr. Speaker, caring for the elderly and handicapped which, in our Christian way of life, is referred to as our 'brothers and sisters' entails a lot of love and patience. It also takes total commitment and willingness to do this. The care home operators deserve this increase.

"I thank you and my colleagues for their support."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 913, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 62 on H.B. No. 64, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 64, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, House Bill 64 seeks to expand the availability of community-based long term care services for a fee for our growing elderly population.

"Under this bill, a program of start-up grants and loans to businesses and non-profit corporations would encourage additional community-based long term care services where users would pay for services and these services might include day care and day health programs, chore services, personal care, and other in-home care services.

"House Bill 64 seeks to establish and make viable the in-home alternative to nursing homes where the elder can stay at home and receive long-term care services in the community so instead of placing an elderly relative in a nursing home, that person could attend the, for example, day health program during the day and be taken care of by their family at nights and on weekends. Or, an elder could stay at home and receive periodic visits from nurses, personal care attendance, physical therapists, or receive transportation, or chore services, or home delivered meals at home.

"With the in-home alternatives supported by this bill, elders and their families would have a choice of spending \$40,000 to \$50,000 a year for a nursing home, or about half that amount to receive long-term care services at home.

"Mr. Speaker, it is State policy to encourage long-term care at home in the community where possible rather than in our already filled nursing homes.

"Also, government cannot meet the current as well as future demands of long-term care services but by adopting this bill, state government, through grants and loans, will begin to actively encourage the private sector to help provide and fund these needed services.

"Finally, Mr. Speaker, with more and more elders purchasing long-term care insurance, private industries enrolled in funding in long-term care services is expanding but they will need additional long-term care services to provide their policyholders. House Bill 64 would encourage these additional privately funded long-term care services.

"I urge my fellow members to support this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 64, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 63 on H.B. No. 1850, HD 2, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1850, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"Mr. Speaker, this is a significant piece of legislation and I think it should at least be commented upon before we vote and that is, this bill appropriates \$50-million to help address our serious wastewater treatment plant problems, not only on our island of Oahu, but also on the neighbor islands. These facilities are overburdened and outdated, Mr. Speaker, and this problem of these wastewater treatment plants is a multi-tiered and complex one involving federal EPA standards, involving State health concerns, and also each county.

"So, I think, Mr. Speaker, this bill is a step in the right direction. The amount of money is, in some view, too small because of the staggering nature of this problem and I am sure we will be addressing this next session, Mr. Speaker, so I would urge my colleagues to support the measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1850, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL ASSISTANCE FOR TREATMENT WORKS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 65 on H.B. No. 30, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 30, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 68 on H.B. No. 32, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 32, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 69 on S.B. No. 1787, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 69 and S.B. No. 1787, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BURIALS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 70 on S.B. No. 633, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 633, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 9, S.B. Nos. 637, 950 and 1117, H.B. Nos. 913, 64, 1850, 30 and 32, and S.B. No. 633 had passed Final Reading at 7:25 o'clock p.m.

Conf. Com. Rep. No. 71 on H.B. No. 1358, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1358, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 72 on H.B. No. 1853, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1853, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Arakaki then 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."

Representative Arakaki's remarks are as follows:

"I rise to speak in favor of Conference Committee Report 72, House Bill 1853, HD 1, SD 1, CD 1, in hopes that it will bring relief to our overburdened child protective social workers. It also affords us the opportunity to express our concerns for the important role they play in advocating for and protecting the rights and well-being of our children. It is my hope, Mr. Speaker, that we will expedite this measure to bring quick relief to our dedicated child protective social workers.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1853, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORTAGE CATEGORY CLASSES FOR PUBLIC EMPLOYEES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 79 on S.B. No. 1427, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1427, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 82 on S.B. No. 1897, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1897, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FACILITIES FOR OLDER ADULTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 94 on S.B. No. 195, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 195, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Horita then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Horita's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 195-89, Senate Draft 1, House Draft 1, Conference Draft 1. This bill will create an architectural access committee which will review and have authority to ensure handicapped access to public buildings as mandated under federal law.

"As handicapped persons are contributing members to society, it is the duty of the State of Hawaii to make access to public buildings possible. This includes ramps for wheel chairs, facillie and aural indicators for the sight impaired, and public parking for vehicles carrying handicapped persons.

"This bill will establish an architectural access committee which will ensure equal access to public buildings for the handicapped and which will have the authority to vary specific requirements to allow for variances from the federal standards. This bill will also require public buildings to conform to the Uniform Federal Accessibility Standards established under 41 C.F.R., Subpart 101-19.6, Appendix A.

"Mr. Speaker, this bill is necessary to ensure that every possible step is taken to ensure equal access to public buildings for the handicapped. I urge all my fellow representatives to vote in favor of this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 195, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HANDICAPPED ACCESS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 95 on S.B. No. 1250, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1250, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN HEALTH INITIATIVES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 99 on H.B. No. 80, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cachola then 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."

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 80, House Draft 1, Senate Draft 1, Conference Draft 1.

"Mr. Speaker and fellow representatives, although Hawaii has sought to diversify its economy, we are still greatly dependent on tourism. Because of rapid change in the visitor industry and the need for an increase in the educational and training levels for persons working in the industry, funds should be appropriated to implement programs to provide this education and training.

"The 1988 Legislature recognized this problem and appropriated \$156,000 to the Department of Labor and Industrial Relations for the State Tourism Training Council to provide such programs. This bill would expand that, appropriating a total of \$250,000 per year to the Department of Labor to expand the initial programs begun last year.

"These programs to improve our labor force are necessary to maintain Hawaii's leadership in the tourism field. The bill's targeting of neighbor island workers is especially important, because of the great labor demands of the new neighbor island resorts and the relatively small labor markets there.

"This bill would provide education and training to enable Hawaii to face the anticipated changes in the visitor industry and I urge all my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VISITOR INDUSTRY EDUCATIONAL AND TRAINING PROGRAMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 100 on H.B. No. 1156, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1156, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CAPITOL TOUR AND INFORMATION SERVICE PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 106 on S.B. No. 1321, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1321, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENT BEHAVIOR," having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Bellinger, Cavasso, Hemmings and Liu voting no.

Conf. Com. Rep. No. 107 on H.B. No. 646, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 646, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Souki then 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."

"Mr. Speaker, I rise to speak in favor of H.B. No. 646, HD 2, SD 2, CD 1.

"Mr. Speaker, this bill provides for the operations of the Office of Hawaiian Affairs for the fiscal biennium 1989-91.

"Your Committee reviewed the budgetary requests of OHA and provided for those programs and activities which would allow for the achieving of OHA's goals and objectives.

"Included in those programs funded was the creation of an organization to be known as 'Papa Ola Lokahi' which will develop a comprehensive Hawaiian health care master plan.

"Funds have also been provided for the refinement of draft legislation and documentation to address OHA's concern for reparations.

"Mr. Speaker, in closing, I would like to say that your Committee, together with the Senate Committee on Ways and Means, has carefully reviewed the budget requests for OHA, and has developed a responsible funding package to address the needs and concerns of the Office of Hawaiian Affairs.

"I vote in favor of H.B. No. 646, HD 2, SD 1, CD 1, and urge all members to vote likewise."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 646, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 109 on S.B. No. 2004, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 2004, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENCOURAGING SMALL BUSINESS INNOVATION AND RESEARCH," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1358 and 1853, S.B. Nos. 1427, 1897, 195 and 1250, H.B. Nos. 80 and 1156, S.B. No. 1321, H.B. No. 646 and S.B. No. 2004 had passed Final Reading at 7:27 o'clock p.m.

Conf. Com. Rep. No. 110 on S.B. No. 750, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 750, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 111 on H.B. No. 1826, HD 1, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1826, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"This \$90-million fund will enable the Department of Education to schedule a systematic building program over the next ten years to meet school requirements which are projected to total over \$800-million. \$90-million will be deposited into the fund over a seven-year period with careful management of the cash flow fund. It is projected that the difference between the amounts required and the \$630-million deposited can be generated by maximizing investment earnings. This same program would cost the State yearly an additional billion dollars in interest payments if the traditional bond financing means were

used. Also, it would be extremely difficult to provide this level of program support through bond financing due to constitutional limitations based on the total cost of bonds outstanding.

"The Berman Report recommends that the State renovate current facilities and construct new buildings to meet enrollment growth, population shifts, and modern instructional needs. Paul Berman believes that good facilities do not guarantee quality education but that poor facilities hamper attempts to achieve excellence because inadequate school buildings lacking in needed maintenance and special learning equipment tell the community, the students, and the professionals that the State does not hold education in high regard.

"The neglect of proper maintenance in the past means higher costs to the taxpayer for renovation and repair. I hope we do not repeat the mistakes of the past, that new facilities built with these funds are properly cared for through the new systematic repair and maintenance program we set up last year.

"The Governor, the Board of Education, and the Superintendent of Education are to be commended for their support of this bill. Students, teachers and school communities will be grateful to my colleagues for their support of this and to the children of Hawaii.

"Thank you."

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

"I want to say very briefly, for the record and it is very important that this be said, that business appeared before the hearings and supported this bill.

"David Heenan, the Chairman of the Hawaii Business Roundtable Education Committee and President and Chief Executive Officer of Theo. H. Davies and Company, appeared before the House Committee on Education and strongly supported this special fund. The Chamber of Commerce, represented by Kenneth R. Harding, Chairman of the Education Committee, voiced the Chamber's strong support of this special fund.

"And what is interesting, this is what Mr. Harding stated: 'This plan also addresses the problem of funding these capital improvements in a fiscally sound manner. By using funds that are not borrowed, the State avoids having to make loan payments that are twice the amount necessary for the construction.'

"In other words, these representatives of business were in favor of a special fund for school facilities.

"Thank you."

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

"Mr. Speaker, I speak in favor of this bill. It is an extremely innovative and creative approach to a very serious problem by the Governor and by this Legislature in enacting and, I think, Mr. Speaker, by passing this bill, we will show a very solid commitment to the people of Hawaii that we, as a body, support quality public education. There is an old saying of putting your money where your mouth is, Mr. Speaker, and I think this bill does that, and I think we can all be very proud of that.

"At the same time, I've spoken before this body two or three times this session about a concern that I have of putting money into the facilities before we had restructured our system. I still have that concern, Mr.

Speaker, but I hope by passing this bill that we, perhaps, make a statement or a commitment -- put some pressure on those who are involved in the system -- to meet the challenge that this money brings to all of us by making our schools better.

"I think this is a great momentum that we are creating by this bill, Mr. Speaker, and I urge my colleagues to support it."

Representative Horita then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Horita's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1826-89, House Draft 1, Senate Draft 1, Conference Draft 1. This bill will create a fund to be used for the construction and improvement of public school facilities.

"The State of Hawaii has made a commitment to making our public education system second to none. In order to reach this goal, the government must make every effort to encourage high aspirations in our students, support our educators, and improve the learning environment. The physical appearance and condition of facilities is an important part of creating a positive learning environment.

"This bill will create a special fund for the construction and improvement of public school facilities. The sum of \$90-million a year for seven years will be deposited in the special fund from the general excise tax revenues.

"Mr. Speaker, this bill is necessary if the State of Hawaii is to pursue its goal of excellence in education. I urge all of my fellow representatives to vote in favor of this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1826, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 112 on S.B. No. 31, SD 1, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 31, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings rose to speak against the bill, stating:

"Earlier this evening, we heard some wonderful oratory on how cumbersome democracy is and it is cumbersome because we pay for it to be cumbersome. It could be a lot more efficient. But here we are, spending \$75,000 creating another advisory committee to do what we are already paying people to do, and what we have a lot of volunteers to do, and that is advising the Legislature. We all have staffs that we pay during the session. We all have research staffs, we all have legal staffs. We already have a Legislative Auditor, we have a Legislative Reference Bureau. We also have many lobbyists who have tremendous expertise in all the fields of legislation that we address here. But, nevertheless, to let the public think that we're doing a lot here, we're going to have

another advisory committee and spend another \$75,000 in the name of getting things done.

"Actually what this really does is add to the cumbersome procedures that we use as an excuse for democracy not getting things done efficiently in Hawaii. Therefore, Mr. Speaker, I'll be voting no."

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

"This is a recap of a debate we had earlier on the same bill, Mr. Speaker.

"Once again I submit to you, while attending a special seminar on legislative management at Boston University which happens to be the only university, a top-rate one, which feels that the legislative process in state legislatures are unique organizations. And I might also mention that the Minority Leader also attended that same seminar. And I came away from that seminar with some newfound information that never occurred to me before.

"Number one, legislatures are not corporations. We are not community organizations; we are an animal that is a very unique creation. However, we do and have, in the past, tended to use certain kinds of procedures and in attempting to develop policy used by the private sector, used by community organizations, don't quite fit. For instance, in parliamentary procedure, Robert's Rules of Order which is the common reference guide, and the guide that we use which is not so common and very complicated -- Cushing's Manual -- doesn't quite fit what a legislature does. And, in fact, sometimes poses more questions than answers. There are many other parts of the legislative process that do not fit any mold that you can find outside of this institution. And, as such, I believe that an advisory commission -- one that has credibility, number one, because it is attached to the Legislative Auditor's Office and at this point in time, I believe that the prevailing feeling is that the Legislative Auditor is beyond repute.

"An advisory commission that is outside this body, that is outside of the executive branch of government, needs to be created to take a look at what we are doing and not be afraid to be critical of us.

"I would also make a very bold statement by saying that I believe that the Congress, that state legislatures, city councils across this country, in terms of their procedures and processes, and again referencing the cumbersomeness of democracy, are a little out of step with society and with the real world. It is like the metric system. We're the only ones in the world that is not on the metric system.

"So, I think it would be very unique for this Legislature to create such a commission at a cost of \$75,000 and, hopefully, we are all sincere in getting some real input from them that may be critical of us, that may be able to offer us better ways to do things and, perhaps, bring some efficiency into the democratic process. And I think it is one of those items I mentioned earlier that is a roll of the dice. We don't know whether this commission is going to work but I think it is worth a try, and I think the risk that we are taking is well worth the \$75,000, and I think the general public, and there is a public purpose in it in that we are trying to take a good hard look at ourselves and see if we are not ready to make some changes and get more in step with the changing times.

"For that reason, Mr. Speaker, I am willing to roll the dice on this bill and I do support it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 31, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE ADVISORY COMMITTEES," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hemmings voting no.

Conf. Com. Rep. No. 113 on S.B. No. 636, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 636, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 117 on S.B. No. 645, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 645, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 119 on H.B. No. 1778, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1778, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF WAIKIKI BEACH," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 120 on H.B. No. 604, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 604, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 122 on H.B. No. 924, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 924, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR STATE AND COUNTY SERVICE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 126 on H.B. No. 189, HD 2, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 189, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Souki then 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."

Representative Souki's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.B. No. 189, HD 2, SD 2, CD 1.

"Mr. Speaker, this bill provides for the operations and capital improvements of the Judiciary for fiscal biennium 1989-91.

"This year, Mr. Speaker, the Judiciary proposed an ambitious budgetary plan to be expended over the biennium. Your Committee was then given the task to make prudent and responsible funding decisions, while still developing a package which will provide the Judiciary with the resources needed to serve the people of our State in an efficient and timely manner.

"Funding was provided for additional staff support positions, and computerization and technology which was deemed necessary to meet the growing workload and backlog faced by the Judiciary.

"Your Committee has provided additional resources to address the growing workload in the family courts, especially in the area of child welfare services, to ensure that these cases get processed in an expeditious manner.

"To address the Judiciary's concern for facilities, your Committee has provided funds for a new Family Court Center on Oahu, a Hilo Judiciary complex, and the Koolau-poko District Court. Funds have been provided for the planning of a new juvenile detention facility, and district courts in the rural areas of our State.

"In closing, Mr. Speaker, again, your Committee on Finance, together with the House Committee on Judiciary, the Senate Committee on Ways and Means, and the Senate Committee on Judiciary, has worked diligently to review the funding requests of the Judiciary, and to develop a responsible and reasonable budget for the 1989-91 biennium.

"I urge all members of this House to vote in favor of House Bill No. 189, HD 2, SD 2, CD 1."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 189, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 127 on S.B. No. 1805, SD 1, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. NO. 1805, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RENTAL ASSISTANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 129 on H.B. No. 15, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 15, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 750, H.B. No. 1826, S.B. Nos. 31, 636 and 645, H.B. Nos. 1778, 604, 924 and 189, S.B. No. 1805, and H.B. No. 15 had passed Final Reading at 7:39 o'clock p.m.

Conf. Com. Rep. No. 140 on S.B. No. 653, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 653, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 141 on H.B. No. 62, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 62, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 142 on H.B. No. 362, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 362, HD 2, SD 1, CD 1, 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. 144 on H.B. No. 1854, HD 2, SD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 1854, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Liu then rose and stated:

"Mr. Speaker, I rise sadly to speak in opposition to House Bill 1854, Conference Committee Report No. 144, generically known as the 'Executive Pay Raise Bill.'

"Mr. Speaker, my major objection to this measure is plain and simple. I believe that the Governor is already fairly compensated and does not need more. Unlike positions such as department heads and, perhaps some of the deputies, we rarely lack for contenders to the governorship. We find people with little means, people with a fair amount of means, we find millionaires every four years who decide to throw their hat into the ring.

"His current compensation -- current compensation, Mr. Speaker -- is not just the \$80,000 a year salary but like \$369,296 a year. And that would seem to be very adequate. It covers his car cost, his food, his electricity, his water, servants, furniture costs, other items. His salary is merely 21.6 percent of his total compensation package.

"Yet, this bill, Mr. Speaker, completely ignores this and treats the Governor's salary as though it were the only source of compensation for him. For any other job, Mr. Speaker, whether it be in the public or private sector, we would evaluate the total compensation package. We would look at things like car expenses, like mortgage amounts, like food. We would look at things like stock options, but here, Mr. Speaker, we are not.

"The Executive Salary Commission admitted in its report that because of time constraints, it did not do a comparison of these factors, that it did not do an analyses of all the possible elements that go into a pay package. Many people will cite the fact that the Mayor's salary is higher than our Governor's but I do not believe that the

Mayor gets free housing, or free food, or other living expenses as does the Governor.

"Further, I feel that we should compare salaries of governors from across the country, Mr. Speaker. With this pay raise, we will have the fifth highest paid Governor in the country. He will be getting paid more than governors of the states like California, Oregon, Alaska, Massachusetts, Ohio, Washington, New Jersey, Pennsylvania, Texas, Illinois and many others. We should fairly compensate our State's Chief Executive but we should not push him into the new levels of opulence.

"Again, the Salary Commission admitted that it did no comparison. This is not a good way to set public policy, Mr. Speaker. We should not stick our heads in the sand to avoid evaluating and valuing the Governor's total compensation package.

"The other thing which bothers me, Mr. Speaker, is that no overall discussion was held on the total fiscal impact of these raises on future budgets. The bill itself indicates that the total package costs about \$2.8-million; yet, no major questions nor discussions were really held on what this will mean for the future and I doubt that many of us knew until the last few minutes on Friday what the total bill would be and, as such, relative to what we are doing for this biennium.

"For the record, we should note that under this bill, that besides department heads the bill affects the Lieutenant Governor's salary who will be getting \$90,041, up from \$76,000; Stadium Manager, \$61,560, up to a potential \$77,966; the same for the head of the PUC; Hawaii Public Broadcasting Authority's Executive Director will go from \$55,404 to \$65,683, and so on, Mr. Speaker.

"This is not that I oppose some of these but I think it just would be good for all of us to know and get it into the records that it is clear. And on all of these positions, Mr. Speaker, it is not clear that we actually had an analyses of function and duties and relative comparisons between their pay scales.

"So, Mr. Speaker, by passing this bill, we will continue the illusion that our Governor's compensation is wholly reflected in his salary. We continue the illusion that service to the executive branch or the executive jargonot is purely a losing proposition. We continue the sad illusion that public service should pay.

"Mr. Speaker, it does sadden me to vote against this bill because there has been a fair amount of good this session. I've spoken on this subject in the past and it saddens me to have to speak on it again."

Representative Tam then rose to speak against the bill, stating:

"I agree with Governor Waihee's statement that he would prefer not to receive a pay raise this year. I also agree with the Governor that the cabinet officers should receive a pay raise and I would be willing to vote for this bill if the Governor had been excluded from it. I believe the Governor receives more than enough compensation if we consider his pay plus all the perks, state mansion, the cars, the household staff, the drivers, the food, furniture, services and operating expenses which total over \$200,000 per year. As far as I know, every man and woman who work have to pay for these benefits.

"If I were to vote for this bill, Mr. Speaker, how would I explain to my constituents that we had raised the Governor's pay but had not provided for state and county government retirees who did not receive their bonus as

would have been provided by House Bill 962? And how would I vote for this bill when we have not raised the minimum wage which would have helped those who are most in need of help in the workplace?

"I cannot in good conscience vote for this bill until we take care of the needs of our people, in particular our senior citizens, who were faithful public servants for the State of Hawaii and for the counties.

"Thank you."

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

"Mr. Speaker, the purpose of this bill is to adjust the salaries of the Governor, Lieutenant Governor, the cabinet, and other appointed officials in the executive and legislative branches of our State government.

"All of us here, being the sixty-second day of session, realize that we all had the chance to look at the pay compensation. A seven-member Executive Salary Commission reviewed the compensation of State officials in the executive branch and they identified several areas of inequities which are being addressed in House Bill 1854.

"I can recall one afternoon, Mr. Speaker, in the Finance Committee, when my two minority colleagues were there and when we had Mr. Wayne Minami from the commission before us. He gave us a very, very detailed breakdown of the different positions that were looked in and reviewed, and I can say very honestly I was impressed with Mr. Minami's leadership in the commission.

"First, pay inequity between State executives and their counterparts are happening in our local government stated eloquently by the Minority Floor Leader. Did you know that the Mayor of Honolulu receives a salary greater than the Governor for seven of the past ten years? House Bill 1854 would try to correct this inequity.

"Secondly, this measure will resolve the pay inequity between appointed executives and their subordinates, and division chiefs who are represented by the various collective bargaining units. Since 1976, the salary for State executives has increased by 61 percent while the pay of members of the Bargaining Unit 13 increased by over 102 percent. Currently, Mr. Speaker and members of this House, there are 60 civil service employees earning more than their deputy directors.

"The recently negotiated contract average about 23 percent over the next four years. Unless House Bill 1854 is enacted, the numbers will continue to increase in the coming years.

"Mr. Speaker, if we are to recruit and retain competent, qualified, intelligent individuals who would dedicate themselves to the number of hours they put in in achieving our State goals, we must likewise commit ourselves to adequately compensate them to enable them to achieve their own personal goals.

"My fellow colleagues, this evening I urge your support, and I would like to say that this is not part of my text that I am very proud of the past three years and the opportunity given by the present administration. I believe the Governor and his cabinet, his directors and deputy directors are in touch with the people. I believe people who have come across these particular directors and deputy directors and the Governor can feel that warmth, that human understanding, that they do want to help the people of the State of Hawaii.

"I'm not going to question and bring up a point of information in regards to what the Minority Floor Leader has said. He is correct, and we can play with statistics if that is what he wants to play. But all I ask you this evening, members, is that I believe this Governor that we have here and his cabinet are one of the most dedicated administration I have worked with, and that's why I urge all of you to support this particular measure.

"Thank you."

Representative Liu, in rebuttal, stated:

"For the record, Mr. Speaker, I want to quote from the Executive Salary's report under defining scope of study: 'The Executive Salary Commission conceded that, given the limitation of time for establishing its recommendations, the arriving of proper values for executive compensation based on an in-depth and comprehensive review of the functions and responsibilities of executive positions, as well as a study of the impact of labor market conditions, the value of intangible benefits and holding an executive public position, salary comparisons with other states and with the private sector, and economic and demographic comparative data was not feasible.'

"Thank you, Mr. Speaker."

Representative Hemmings then rose and stated:

"In reference to prior comments in favor of this bill -- the pay raise for the Governor -- I would like to say that the Governor is in touch alright. He's in touch with peoples' pocketbooks, and the point is, Mr. Speaker, that this administration differs in one way from the prior administration under the terms of alleged new beginning, that this administration is spending a heck of a lot more money.

"What we should really judge is the performance and this administration is desperately seeking something to hang their hat on because we still have momentum problems in the health care and social services field, we still have traffic grid-lock on this island and ironically on the other islands, we still have poisons in our environment, we still have all the other problems that faced us for the last twenty years, and we still come to this Legislature and say we're going to solve them by throwing more taxpayers' money at them.

"But, really, another point that was brought up by one of the speakers in favor of this. Talking about the 61 percent pay increase for the Executive Branch of government, and 102 percent increase for collective bargaining, what's really ironic about that is that it far exceeds the pay increase of the people out on the street who work hard and have their salaries taken away from them to pay for the pay increases. They don't get similar pay increases. One of the hidden items about this is exactly what was enunciated by a prior speaker and that's that you have to bump these guys pay up so that everybody else in government can get more pay.

"And I will submit once again to you that the pay gets bigger and we spend more but the problems get bigger. I don't believe that this pay increase is warranted at this time, and I think after three years if the Governor can come back and show us something other than illusions of grandeur and some substantive improvements in the Hawaii we live and work in, that this pay raise should not go through.

"Thank you."

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

"Mr. Speaker, I have here a Sunday Advertiser, April 16, called 'Big Bucks.' As a stockholder, and I inherited a very, very minimal amount of stocks some years ago, but I was able to start following. If you are dissatisfied with people that's running your company, the stockholders can go ahead and throw them out.

"In this particular bill I've always said, as a Republican and if I'm looking at and I'm a very small minority, I'm looking at the office. Hopefully, someday, we'll be the majority. I think that that office deserves a pay raise. I think that if in 1990 you're discouraged or disappointed with who you have in there, you have every right to throw him out. But we have a chance to get a person in there from another party.

"Also, Mr. Speaker, and I've heard people talk about the amenities that's there. I've been to functions at the Governor's. That means he has to share the house. I've heard that he has a large expense account. As a business person, if I want my business to grow, I have to spend dollars to make it grow. I have to spend over \$3,000 a year, maybe, on luncheons, breakfasts, whatever. That's part of the system. That's what makes us all function. If this Governor right now, and now we're speaking about the administration, is spending your money foolishly, then you have a chance to disagree with him in 1990. But if you start looking at every State building, every school is in terrible condition. It's taken years to get there so we're spending your money, as legislators. If we are doing a lousy job, throw us out in 1990 because we also got a pay raise and not one of us turned it down -- not one. I have not heard one of my colleagues say please don't give me that pay raise, I'm going to give it to a benefit of some kind. We all accepted because we said we worked for it, and I think everybody else does, and I think that every department...I get here sometimes at 7:00 o'clock in the morning, call a department because I have a problem, they have either a secretary there that'll answer. I'll say I want to speak to so and so, they'll either take that call or they're at a meeting. If we have something happening in the evening, they have to attend. They are compensated for the hours that they are putting in. If they're not doing the job that you want them to, then I would complain to the Governor and have those people removed. If they are appointed and not doing the job, then it's the Governor's fault. But don't just say you're going to blanket and vote against something because your constituents are for or against the particular deal. Your constituents went ahead and elected you to make decisions -- that's what you're here for. And if you're going to say I'm not going to do it because my constituents told me not to, and when people really sit down and say, who told you, sometimes it's five, ten -- it's never the majority. It's been very, very few times that the majority of the people have spoken out loudly enough and have we listened? No.

"The lottery bill, we don't listen. Anybody lost a race because they were against the lottery? No way! And I don't think the lottery bill helped me get elected because I didn't go for it. So, you have to look at what the people are really concerned about. If you're giving them good government, if you're giving good services, then you have to go ahead and vote for something that way, not for five people telling you, I think you're all washed up.

"I'm voting for the bill and I hope my colleagues across the aisles will also consider it."

Representative Metcalf then rose and stated:

"I rise to speak in support of the subject matter.

"I would ask that Representative Anderson's remarks on the subject be incorporated in the record as my own with the exception of those remarks relating to the Minority Party becoming the Majority Party one day. And also I suppose I would have to object to those remarks relating to the lottery.

"Thank you."

The Chair "so ordered." (By reference only)

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

"This bill covers numerous departments, agencies and authorities and I think if you pick any agency or department or authority, I probably had at one time in this administration a disagreement with that agency, authority or department, whether it be with H-3 or the Department of Transportation, parking concessions, capital improvements, the Stadium Authority, you name it -- I probably had some disagreement with them. But one thing I cannot disagree with is that those people covered by these employees, and there are employees covered under this bill that have all been dedicated and hardworking. I can't think of a single moment when I made a call or written a memo or letter to any of these department heads, or directors, or deputies, that they do not respond immediately either by telephone call, another letter, or coming to my office at any time, at any hour, any day of the week, to discuss the matter with me. I believe we should reward our employees, and again I say these are our employees for dedication, for time, for patience, and a willingness to attempt to solve the very complex problems facing our society.

"There is one little inequity in this bill that I would like to point out. Up on through 1981, the members of various adjudicatory boards such as the Public Utilities Commission, the Hawaii Employment Relations Board, their salaries were tied into the pay of the department heads and the Circuit Court judges. After 1981, we removed the tie-in with the departments and judges. I think that if we understand what the Public Utilities Commission and these other adjudicatory boards deal with such as telephone rates and electrical rates of the various utilities that they govern, I think we can see that the breath of their decisions and their deliberations affect so many people that I think there is a need in future legislative years to correct that inequity and restore the system that was in operation in 1981.

"I also believe that in future years and, hopefully next session, we will address the concerns enunciated so eloquently by Representative Tam, and these are the measures dealing with minimum wage, also public assistance, and the elderly. I know that this body will do next year.

"I also would like to add that next year I hope that we will also deal with the fact that we failed to raise the pay for the Legal Aid attorneys. These people are also dedicated. They are not our employees, however, we have provided with funds so that they can carry on the representation of the poor. I have full faith in this body that we will address these concerns in the 1990 session.

"I urge all of you to vote in favor of this bill."

Representative Tom then rose and stated:

"I wish to have incorporated the words of Representative Say on H.B. 1854 as though they were my own and if I may, I would just like to make a very few short comment."

The Chair "so ordered." (By reference only)

Representative Tom continued, saying:

"You know, Mr. Speaker, I, myself, have personally been involved in the public as well as the private sectors. As an attorney, I was with the Prosecutor's serving with government, now I'm on my own and I also served, like my colleagues here, proudly as a legislator. I can honestly say that being a public servant, you know this bill says public officers and employees, being a public servant is a real lonely, a very thankless job -- it really is. There's a lot of inequities in life. There's a lot of people out there who will say and rightfully so, we're not getting enough. What about us? It's true, there are a lot of inequities. I think each and every one of us sitting here wish we could solve them all. We can't.

"We got a bill, however, in front of us talking about a group of people who direct our heads, cabinet people, people like the Governor, the Lieutenant Governor, people who deserve a raise, people who I know have families to support and who themselves work twelve to fifteen hours plus days. I know because I come in the office early in the morning and I leave late at night and I call these people and we as legislators work in areas like education, transportation, with the economy, with our archaeological, with all kinds of areas so we have to talk to these department people and they are hard workers, Mr. Speaker. They are very hard workers and they earn and they deserve every nickle that they're getting. We're not living in an economy. . . Hawaii is an economy in which we have one of the highest cost of living and these people work very hard for what they get and they deserve what they get.

"Let me tell you something for those who criticize this bill. You know, I think in my seven years as a legislator in public service, I have never seen an administration led by a governor with the kind of willingness to take chances, to make things work, and to say, I don't care if it looks tough, we're going to do it. We're going to do it if we do it together for the good of our people. I think Governor Waihee, himself by feeling that way, have brought in people who feel the same way, brought in people with fresh new ideas and a willingness to take chances. And if that isn't enough to deserve the kind of quality people by having raises that will allow our public servants to compete with the private sector, I don't know what is. So I think that I know. I speak in good conscience that a raise of this nature is gratefully justified and deservingly so by each and every person, including the Governor, under the bill and I urge my colleagues to vote up.

"Thank you."

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

"Mr. Speaker, in deference to those who seem to have a problem about decent pay for some of our executives, particularly our Governor, I would be perfectly willing to entertain a floor amendment to peg the wage to the lowest position in construction which is general laborer which pays \$16 an hour and pay them by the hour. What we are talking about is minimum -- \$2,000 a week without benefits. They haven't tacked that on yet, \$8,000 a month, \$96,000 a year. Tack on the benefits and computer that \$16 an hour. Remember after eight hours, you get time and a half, and I am basing 80 hours a week because most department heads and, certainly the Governor, put in at least 80 hours a week because they run just about seven days. Some may be six. So we want to talk about fairness and gauge values -- how about a

General Laborer I wage at \$16 an hour? Who can have a problem with that? We peg their salaries to what the lowest laborer position is in this State in the construction business, and I think if we keep this whole thing in context, like I am trying to do, I think what we are getting away with, with respect to the quality of leadership and many executives who have given up money to come into public service, and I know half of them are probably wondering why they did it. The abuse that we get, that we have to write off as, hey, you know, you play, you pay.

"So, you know, the whole idea of public service, and I think the whole idea that anyone wanting to get into public service ought to be able to do it for free or come out of the goodness of your heart does not cut it because if we did, we'd see the private sector doing it. You know, come help this company out of the goodness of your heart. So I think, Mr. Speaker, that the kind of raises that we are talking about, depending on the viewpoint you come from, for some people I guess, you know, it's too expensive. For my part, I think we are getting away cheap.

"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. 1854, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Hemmings, Hirono, Liu, Stegmaier and Tam voting no.

Conf. Com. Rep. No. 146 on S.B. No. 1154, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1154, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 147 on S.B. No. 42, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 42, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 42, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 148 on S.B. No. 1052, SD 2, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1052, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings rose to speak against the bill, stating:

"For the record, Mr. Speaker, I think there's also a proviso in the budget, page 97, on this issue. I would like to read into the record an editorial on a local radio station that may have some relationship to where this money is really going to go, and I will paraphrase it.

'During the current session which mercifully is scheduled to end today, a move was made to model the doings of the California State Legislature, primarily in the health care field. To accomplish the task, a Hawaii Senator had an acquaintance who is a State Senator in California. It seems the California Senator had a brother in Sacramento with a law firm that specialized in lobbying.'

"In the budget of the Hawaii health appropriations, \$60,000 was carved out of a mandate to hire a California firm. The Sacramento law firm even sent an associate to Hawaii to lobby for the \$60,000 and she was here at a desk in a certain Senator's office in our State Legislature. There's a paragraph about donations made regarding this issue. Then it continues, 'Since then, the bill has been amended several times and the California firm had been removed but the money is still there.' And if a Hawaii firm bid on this loose canon, it would probably cost them a lot more than \$60,000 to go through the charade.

"Anyway, for some personal obscure reason, the people of Hawaii are going to hire, or possibly hire, which could be done with this bill, a lobbyist to report on California legislation, especially any bill that might mention Hawaii or the Pacific Rim health care. You could probably buy a weekly legislative report for a lot less.

"Mr. Speaker, just another example of a cumbersome democracy and why our money get so misspent. I am voting no, Mr. Speaker. It's money that could be better spent solving the real health needs of people here in Hawaii."

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

"Many of the remarks previously made. I would agree with with respect to the proviso that appeared in the budget without very many people's knowledge at the last minute. I am convinced that this was done without the knowledge of many of the folks who normally would be involved, including the Finance chairman, who didn't really know what this pertained to as was suggested by the Senate because it does not relate, it does not specify any kind of a California law firm.

"The California-Hawaii Cooperative Commission bill actually began with an idea by the Governor that we would probably benefit if we worked with California in a number of areas such as health and so the ball got rolling. One bill that was introduced in the House was actually a health care delivery process for the Pacific Islands but a different bill came over from the Senate which was much more economically oriented and actually contained language which I found offensive providing this same kind of \$60,000 which is now in the budget for specifically hiring of a California firm. I immediately yanked that out of the bill. We have rewritten the bill.

"The bill that stands before us today essentially has many, many safeguards, including the fact that the small amount of funding in that bill is specifically for the direct operations of a commission to be appointed, that any action this commission would take could not be done without first coming back to us and requiring a concurrent resolution to approve their plan of action.

"Thirdly, the commission members would have to be partly appointed by recommendations from the Speaker of the House as well as the Senate and the Governor.

"I think that the idea of cooperating on a regional basis is a good one. I think that the safeguards that we have built in to the bill is a good one, but I join others in a little bit of consternation that, at the last minute, perhaps an attempted funding of consultant services were

incorporated into the budget. However, it is interesting to note that they could never have done a poor job of trying to hide it. It is listed as a specific proviso. Many people will be watching how the funds are spent, if at all. I have had some discussions with the administration regarding the importance of, if they should feel the need for any consultant services, that would go out on a fair and open bid to everyone in Hawaii as well as elsewhere. So, while I am rather distressed to see what I would consider a kind of lack of faith in our negotiations on the California bill resulting in some extra funds in this other document, the bill before us this evening I think is a worthy idea. I also would mention that the understanding is that the initial funds we put in would be essentially a one-time only investment and that this commission would have the ability to raise many other funds for cooperative efforts. I think the scrutiny that this issue will be put under, because of perhaps the unusual circumstances of the budget proviso, means that this kind of commission is going to have more accountability and potentially more success than most other measures.

"I am confident that the bill before us, S.B. No. 1052, does have the safeguard. They will have to come back to us before they do anything and we are going to have a chance to suggest members of the commission as well.

"The proviso in the budget is something which need not be spent, certainly need not be spent until after we approve any plan by this future commission, and it may offer an opportunity for our health care industries and consultants in Hawaii, on a number of levels, to broaden their regional participation in what is quite a dynamic industry. So, I don't have any problems in recommending the passage of this bill and I urge all of you to look at the bill itself and the safeguards we have in the committee report and the bill, and I think it is a good one, and I think it is an interesting idea.

"Thank you."

Representative Hemmings, in rebuttal, stated:

"It's hard to rebut an admission of guilt but I will attempt to do so.

"So what we have just heard is, much to our surprise, and we heard it mentioned before that this might happen, that \$60,000 was dropped into the budget and our Finance chair didn't know about it. It is mysterious money, but since a diligent member of the Fourth Estate in the media had enough guts to ferret all this out, we'll watch it now so we'll make sure the money is not spent the way it was intended to be spent. We will also find out it is not only \$60,000, it is \$160,000 because this is \$100,000 and there is this mysterious \$60,000 in the budget.

"I will submit once again to this body that rather than building a health care industry, and I will quote from Jack Lewin's testimony on this: 'About the health care industry, growth in this industry will aid significantly to the quality of our labor market and provide good jobs for our children.' Do we really want growth in the health care industry? Maybe we would want growth in prevention, but do we really want more people getting sick so we can have more jobs? I don't think that's the kind of industry we want to invest in and, more specifically, if we have \$160,000 we can spend on this, why don't we spend it on some poor people who need some basic medical aid in some of the poor areas of our State, or the poor Hawaiian community who are suffering with serious medical problems while we, in government, can continue to spend money on commissions?

"And give me a break, this commission is going to disappear? I have very seldom seen commissions started by government that disappear. They are like the blob that ate New York City. They just grow bigger and bigger and bigger and more expensive.

"So, Mr. Speaker, I appreciate the chairman of the Health Committee's attempts to cover this up but the fact speaks for themselves -- the money is in the budget. Nobody knows how it got there and I commend the radio station who brought this matter to our attention. . .

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

"Mr. Speaker, I think there were some allegations being made without any foundations at all. And I think it is highly offensive when this type of allegation is being made by someone who didn't even sit in the Ways and Means Committee and Finance and have no idea what went on. Both money committee chairmen and committees approved this particular item. I just want to state this for the record."

Representative Hemmings continued:

"I didn't bring up the allegations, the Health Committee chairman did. I will rest my argument.

"Thank you, Mr. Speaker."

Representative Souki then rose and stated:

"Mr. Speaker, clarification. What I said was, or what I meant to say, was that while this kind of a proviso put in the budget on its face looks quite legitimate, I think that the suspicion was afterwards, that the suggestion of this proviso had something behind it which, if you didn't know the background, you wouldn't have known what it was designed for. This kind of research is quite legitimate. If I didn't know that there was a consultant firm that wanted to get in on the action, I would never have known that this kind of proviso was objectionable and I don't fault the Finance Committee. I think that's the sort of thing that presents itself and fine.

"But what I think is objectionable is that while we were negotiating on 1052 and the money, that we were not informed that the Senate was going to suggest this, and that's where the fault lies.

"I would also like to inform the Minority Floor Leader that it was the chairman of Health that informed the radio station as to what was going on with the particular proviso and some of the background. I would like to remove any hint that I think there was impropriety on the part of anyone in the House or even perhaps on the part of Ways and Means. I think this was an attempt by some folks to provide for consultant services that a particular firm wanted and I object to that. And I believe that if it had come to light earlier, it would not have been in the budget.

"But, once again, we're not debating that proviso. We've already passed the budget. It's too late to take it out. The scrutiny lies on it. We are debating whether or not it makes sense to invest in a regional kind of an arrangement in which tremendous amount of resources would be made available to us in the Pacific and Asia for health care kinds of assistance. And I think that's a good idea. I think that's an investment. That's why I am supporting the bill. I don't support the proviso, I support the bill. I support the money we have in the bill for that. I think there are guidelines. I think it is going to turn out all right, and I think we should be very clear about this,

that scrutiny of all of us is important to make sure that this works.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1052, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CALIFORNIA-HAWAII COOPERATION," having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Anderson, Arakaki, Hemmings, Liu, Marumoto and O'Kieffe voting no.

Conf. Com. Rep. No. 149 on H.B. No. 694, HD 2, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 694, HD 2, SD 1, CD 1, 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 51 ayes.

Conf. Com. Rep. No. 150 on H.B. No. 43, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 43, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE DISPUTE RESOLUTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 151 on H.B. No. 979, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 979, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 152 on H.B. No. 148, HD 1, SD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and H.B. No. 148, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Duldulao then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Duldulao's remarks are as follows:

"This measure is a step in the right direction. So many lives have been claimed by speeding/racing on highways. These victims were innocent. Yet these offenders received penalties very lightly.

"I am hopeful that by this bill, it will make every driver aware of the heavier penalties and think cautiously that speeding/racing is a very dangerous game on the road."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 148, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO RACING ON HIGHWAYS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 653, H.B. Nos. 62, 362 and 1854, S.B. Nos. 1154, 42 and 1052, H.B. Nos. 694, 43, 979 and 148 had passed Final Reading at 8:24 o'clock p.m.

Conf. Com. Rep. No. 153 on S.B. No. 846, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 846, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Cavasso then rose to speak against the bill, stating:

"The disturbing part about this bill, Mr. Speaker, is that it touches on a case I believe happened on the mainland where we had a student newspaper that got someone out of hand in a school and when the teachers tried to work with the students, there was a problem.

"It's good that we teach our students to have initiative but it's also good that we have an understanding that the students are there to learn from the teachers and from their administrators. An example I would use would be a student newspaper in a school where the teacher is responsible for teaching the students to write and to publish and to work with the newspaper, and that that teacher is responsible for that newspaper and the results that come out of it. He is responsible for the school and the teaching and that relationship of the teacher being responsible for the student is good and important to keep.

"It appears that this bill would take away that relationship and places the student in the position where they can write or teach, or say what they please without accountability to that teacher. The teacher will have no authority over that, or responsibility for the newspaper, and the final result will be that the student themselves, according to this bill, would be subject to law suit out in the community which just seems to be taking a little bit too much responsibility away from our teachers and hurting our educational system -- something that seems a step backwards and a challenge to authority that probably would not be good for us.

"Thank you, Mr. Speaker."

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 8:31 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 846, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT OF STUDENTS TO FREEDOM OF EXPRESSION," having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Anderson, Cavasso, Hayes, Liu and Yoshimura voting no.

Conf. Com. Rep. No. 154 on S.B. No. 740, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 740, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 156 on H.B. No. 920, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 920, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 157 on H.B. No. 548, HD 2, SD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 548, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 158 on S.B. No. 34, SD 1, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 34, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Anderson then rose to speak against the bill, stating:

"Mr. Speaker, this particular bill says that we should . . . all political candidates must file a preliminary campaign contribution report on contributions over \$100 before 4:30 p.m. on the tenth working day before the election. I have no problem with all of us letting the public know where our money is coming from. But right after this, we are supposed to do another one -- twenty calendar days later. I don't do the particular work on my campaign. I have a person who had volunteered for eleven years. He writes reports upon reports upon reports. We do this, I think, primarily because we think the public wants this. The only time we scrutinize what's down in campaign spending is when somebody is running against you, for the news media, or for particular people that's against you. During a campaign, they'll run down and different organizations will look at it. I don't mind it being open. But why not just before the primary and also just before the general election? We have about three or four reports during election. I have a volunteer who tells me, 'Whitney, I have a Whitney Anderson office. I have all of your files.' And it is really crowding out my house. I can't even write a check on my own campaign and we made it that way. It takes my treasurer and my campaign manager -- two people other than myself -- but I think that the public has a right to know. But I don't think that we just sit down and pass something like this here and say, fine, this is what the public wants and we'll let the volunteers do all the work.

"So, for that reason, not because I don't want people to know what we have, but because of the way it is written, I will be voting no on this particular measure and I hope that you'd consider it.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 34, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS," having been read throughout,

passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and O'Kieffe voting no.

Conf. Com. Rep. No. 159 on H.B. No. 1716, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1716, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERCEPTION OF COMMUNICATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 160 on S.B. No. 635, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 635, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 161 on S.B. No. 527, SD 2, HD 2, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 527, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 162 on S.B. No. 644, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 644, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 163 on H.B. No. 1703, HD 1, SD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and H.B. No. 1703, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 164 on S.B. No. 846, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 164 and S.B. No. 846, SD 1, HD 1, CD 1, were recommitted to the Committee on Conference.

The Chair directed the Clerk to note that S.B. Nos. 846 and 740, H.B. Nos. 920 and 548, S.B. No. 34, H.B. No. 1716, S.B. Nos. 635, 527 and 644 and H.B. No. 1703 had passed Final Reading at 8:35 o'clock p.m.

At 8:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:40 o'clock p.m.

Conf. Com. Rep. No. 165 on S.B. No. 1825, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1825, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 166 on S.B. No. 70, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 70, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIMS CONCILIATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 167 on S.B. No. 1799, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1799, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 168 on S.B. No. 408, HD 1, CD 2:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 408, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 169 on S.B. No. 1140, HD 2, CD 2:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1140, HD 2, CD 2, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Horita then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Horita's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 1140, House Draft 2, Conference Draft 1. This bill will create a works of art special fund for the purpose of purchasing, displaying, and maintaining works of art in State buildings.

"I believe that all forms of artistic expression, from painting and sculpture to music and dance, benefit our State in every manner. Exposure to art encourages our cultural growth and breadth of appreciation. Moreover, an environment that promotes cultural growth and appreciation invites economic investment and development. Supporting art should go hand-in-hand with support for our economy and our educational system.

"This bill will create a works of art special fund into which shall be transferred one per cent of all State fund appropriations for capital improvements designated for the construction cost element of State projects. The effect of this will be to make art more accessible to the public.

I support all efforts of the State to encourage artists and enable the public to appreciate their works.

"Mr. Speaker, I believe that this bill is necessary not only because it creates a mechanism by which the State will further our citizens' cultural growth but because this kind of support for the arts is important to the economic development of our State. I urge all my fellow representatives to vote in favor of this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1140, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS," 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. 170 on S.B. No. 832, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, Conf. Com. Rep. No. 170 and S.B. No. 832, HD 1, CD 1, were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 171 on S.B. No. 1385, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1385, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 177 on S.B. No. 1734, SD 1, HD 1, CD 2:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1734, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 178 on S.B. No. 832, HD 1, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 832, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Fukunaga then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Fukunaga's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of S.B. No. 832, HD 1, CD 1, relating to appropriations, which would provide funds to enhance public access to the Legislature and State government.

"Mr. Speaker, recent criticism by the media, the public, and some of our colleagues indicate that there may not be enough openness in the Legislature. We have also been accused of wasting the \$8.5-million legislative budget, partly because we operate three separate computer systems -- one for the House, one for the Senate, and one for the Legislative Reference Bureau --

when it would be better to have one consolidated system for the entire Legislature.

"Technology and telecommunications are one means to improve public access and participation in the legislative process. The infrastructure is available to provide an exciting array of services among governmental agencies and to the public. What is now needed is consolidation of House and Senate resources and better cooperation between both houses.

"Senate Bill No. 832, HD 1, CD 1, which is the result of pioneering efforts of the House, will enable this Legislature to examine some of the advancements in other states and establish new precedents as a leader in the Age of Information. For example, Alabama, Louisiana and Oklahoma already offer individual subscribers access to their bill status, statutory retrieval, and financial databases, as well as to committee hearing schedules.

"The time for us to act is now. With the technological know-how available, the possibilities are limitless. Mr. Speaker, citizen input is central to our democratic form of government. Let us make it easier for all of the people of Hawaii to participate in and impact the legislative process.

"Thank you."

Representative D. Ige then 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."

Representative D. Ige's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 832.

"Mr. Speaker, through your leadership, and the innovative and dedicated support of Chairpersons Souki, Metcalf, Fukunaga and many other members, the House has been the champion for open government, fair access, and for using telecommunications and computer technology to serve the people of Hawaii.

"Through Senate Bill 832, we initiate a course of action that will result in the 1990 session marking the beginning of a new era of fair access and informed public participation. The Legislature is investing in the people of our communities, to ensure that we provide every opportunity for their involvement in their government.

"Over the past few sessions, we have made strategic investments and adopted bold policies to ensure Hawaii's role in the age of the Pacific and the age of information. We have invested in a statewide information network and the infrastructure to nurture the growth of new technology industries. We have invested in telecommunications and computers to make government more efficient, effective and accessible. We have enacted laws and established policies to ensure fair, public access to public information.

"In this session, we call for investments in our democracy. Investments that will allow us to take government to the people. Now is the time for action. We have the means and know the methods to greatly improve public access and public participation in the legislative process.

"This bill provides funds for the Legislature to provide for direct access to legislative information systems, to establish procedures to accept electronic transmission of testimony, and to implement other procedures to provide

free flow of information and full public participation in the legislative process.

"This bill also provides funds to initiate State information services using videotex and other information technology and provides public access terminals in the public libraries and the public schools. These appropriations will start the task of creating an information literate society and provide a solid foundation as we develop the information industry.

"Thank you, Mr. Speaker, and I am certain that all of my colleagues will join me in supporting this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 832, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 173 on S.B. No. 783, SD 2, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 783, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Metcalf then 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."

Representative Metcalf's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill 783, SD 2, HD 2, relating to juveniles.

"The measure before us this evening addresses one of the most urgent problems facing our State today -- saving our young people from drugs, crime and other social problems that threaten their future.

"Rather than simply treating juvenile delinquency, the emphasis of our juvenile justice system needs to be on programs that prevent it. Currently, services for youthful offenders are fragmented among several state agencies, and most services are geared toward serious law violators. The problem is that the majority of kids coming into the system are charged with far less serious offenses or simply arrested and released. There are few appropriate services now being offered to this group of youthful offenders. Instead of intervening with programs designed to build self-esteem and put less serious offenders back into school to become productive citizens, they are placed with the worst elements in the system, speeding their journey down the road to more serious and violent offenses.

"This bill takes a new path toward dealing with the problems confronting our State's juvenile population. The first step on this path is the creation of a youth services board. This board will oversee youth services and delinquency prevention services statewide. The bill also provides for the development of youth service centers throughout the State for youths at risk with the aim of diverting such youth at an early stage from criminal behaviour through intake and referral to appropriate programs.

"This bill also gives us the opportunity to design and implement a safe, responsible, and humane juvenile justice system, through planning for the pulling together of all juvenile programs under one roof.

"This measure has been little talked about compared to some other issues. However, I am convinced that this

measure will one day prove to have been one of the most significant actions this body took during the 1989 session."

Representative Arakaki then 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."

Representative Arakaki continued, saying:

"However, Mr. Speaker, I did have some additional remarks that I did want to make because we are creating this youth services bureau, in addition to providing oversight, better coordination and a better system of intake and identification of our at-risk youth. I also hope that the youth services bureau will look at the burgeoning problems of our youth gangs, and I speak to this because I understand that our House bill on youth gangs will be recommitted for this session. And I know it sounds ominous but I sincerely feel that if we refuse to open our eyes and take a hard look at the root causes of gangs and gang violence, we may have to suffer the fate of many other large metropolitan cities who fail to respond in a timely and appropriate manner. I think one only needs to look at the statistics and demographics of gangs to realize that we're slowly and insidiously creating ghettos of socially, economically and ethnically segregated communities that have become the spawning grounds for the gangs and the gang activities.

"And one need also look only superficially to realize that our public housing projects provide living conditions that tend to produce these youth gangs. And for those who feel that this issue does not affect their communities, I want to point out that the lesson to be learned from the situation in Los Angeles, as long as gang activities were confined to the Black ghettos and the Chicano barrios, it was not a problem. But when the gangs and their crimes moved into the more affluent suburbs and cities of Los Angeles, it suddenly became a crisis, a crisis that the city of Los Angeles is now spending extraordinary resources to manage and control. And there are many who feel that what happened in Los Angeles cannot happen here, but it should be remembered that the gangs can only be as strong as we allow them to be.

"Mr. Speaker and colleagues, Senate Bill 783 represents a diligence and perseverance of several agencies, organizations and individuals who wish to see a better juvenile justice system for the youth of Hawaii.

"As far back as 1976, proposals such as the one we have in front of us have been recommending a youth services bureau. Now that we have created that framework, this agency's organizations and individuals from our communities can work together to plan and develop a model juvenile justice system that we can all take pride in.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 783, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF YOUTH SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 174 on S.B. No. 914, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 914, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

DISCOVERY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 175 on S.B. No. 311, SD 1, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 311, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1825, 70, 1799, 408, 1140, 1385, 1734, 832, 783, 914 and 311 had passed Final Reading at 8:45 o'clock p.m.

Conf. Com. Rep. No. 176 on S.B. No. 1197, SD 2, HD 1, CD 1:

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.B. No. 1197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANABOLIC STEROIDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 172 on S.B. No. 1413, SD 2, HD 2, CD 1:

Representative Apo moved that the report of the Committee be adopted and S.B. No. 1413, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

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

"This bill, Senate Bill 1413, will forego the references to the drafts. This is an important measure that builds on the work that we did last year.

"Last year, we created a Civil Rights Commission to enforce the State's anti-discrimination laws.

"This year, we have focused on providing the mechanism and the funding authorization to operationalize the Commission. We wanted to ensure a smooth transition of existing programs to the Commission, and we have specifically provided for the transfer of all incumbent permanent employees within the employment practices branch of the Department of Labor and Industrial Relations. These amendments, we feel, will ensure the development and implementation of sound policies, procedures, and staffing for this most important agency.

"Thank you, Mr. Speaker."

Representative Anderson then rose and requested that Representative Metcalf's remarks 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. 1413, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1197 and 1413 had passed Final Reading at 8:47 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Andrews and Fukunaga, for the Committees on Planning, Energy and Environmental Protection and Legislative Management, presented a joint report (Stand. Com. Rep. No. 1861) recommending that S.C.R. No. 245, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 245, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW THE COASTAL ZONE MANAGEMENT PROGRAM AND THE JURISDICTION OF THE OFFICE OF STATE PLANNING AND OTHER GOVERNMENT AGENCIES IN THE COASTAL ZONE MANAGEMENT AREA," was adopted.

Representatives Metcalf and Shon, for the Committees on Judiciary and Health, presented a joint report (Stand. Com. Rep. No. 1862) recommending that S.C.R. No. 76, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 76, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PROGRAM ON ALTERNATIVE DISPUTE RESOLUTION OF THE JUDICIARY TO CONVENE A ROUNDTABLE DISCUSSION FOR THE PURPOSE OF MAKING RECOMMENDATIONS FOR IMPROVING MENTAL HEALTH TREATMENT AND SERVICES FOR PEOPLE WITH SERIOUS MENTAL ILLNESSES," was adopted.

Representative Metcalf, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1863) recommending that S.C.R. No. 85, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 85, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE PLACEMENT OF ATTORNEYS IN VARIOUS STATE AGENCIES," was adopted.

Representatives Hagino and Cachola, for the Committees on Water and Land Use and Tourism, presented a joint report (Stand. Com. Rep. No. 1864) recommending that S.C.R. No. 218, SD 1, be adopted.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 218, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE SAND ISLAND INDUSTRIAL PARK," was adopted.

At 8:48 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 8:55 o'clock p.m.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 to 208) were read by the Clerk and were placed on file:

Gov. Msg. No. 203, informing the House that on April 17, 1989, he signed the following bills into law:

Senate Bill No. 1854 as Act 16, entitled: "RELATING TO TERMINATION OF CONTRACT BY CONTRACTING AGENCY"; and

House Bill No. 875 as Act 17, entitled: "RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES: MAKING A SUPPLEMENTARY APPROPRIATION OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1989".

Gov. Msg. No. 204, informing the House that on April 21, 1989, he signed the following bills into law:

House Bill No. 416 as Act 18, entitled: "RELATING TO INCOME TAX EXTENSIONS";

House Bill No. 417 as Act 19, entitled: "RELATING TO THE ALLOCATION OF INCOME FOR INCOME TAX PURPOSES";

House Bill No. 418 as Act 20, entitled: "RELATING TO TAX ADMINISTRATION";

House Bill No. 420 as Act 21, entitled: "RELATING TO THE TAX REVIEW COMMISSION";

House Bill No. 811 as Act 22, entitled: "RELATING TO THE AQUARIUM AND MARINE LABORATORY";

House Bill No. 1001 as Act 23, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1819 as Act 24, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 1832 as Act 25, entitled: "RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND";

House Bill No. 1862 as Act 26, entitled: "RELATING TO HOUSING FINANCE AND DEVELOPMENT CORPORATION";

House Bill No. 1867 as Act 27, entitled: "RELATING TO AGRICULTURAL LOANS"; and

House Bill No. 1904 as Act 28, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED".

Gov. Msg. No. 205, informing the House that on April 24, 1989, he signed the following bills into law:

House Bill No. 106 as Act 29, entitled: "RELATING TO CARPOOL LANES";

House Bill No. 118 as Act 30, entitled: "RELATING TO CHILD PASSENGER RESTRAINTS";

House Bill No. 127 as Act 31, entitled: "RELATING TO TRANSPORTATION";

House Bill No. 132 as Act 32, entitled: "RELATING TO WAGES AND OTHER COMPENSATION";

House Bill No. 133 as Act 33, entitled: "RELATING TO CAMPAIGN SPENDING";

House Bill No. 227 as Act 34, entitled: "RELATING TO PARENTAGE";

House Bill No. 232 as Act 35, entitled: "RELATING TO MARRIAGE";

House Bill No. 301 as Act 36, entitled: "RELATING TO BOUNDARIES";

House Bill No. 335 as Act 37, entitled: "RELATING TO JURY TRIALS";

House Bill No. 336 as Act 38, entitled: "RELATING TO PROBATE";

House Bill No. 361 as Act 39, entitled: "RELATING TO PERSONAL CARE SERVICES";

House Bill No. 402 as Act 40, entitled: "RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD";

House Bill No. 410 as Act 41, entitled: "RELATING TO DEPARTMENT OF CORRECTIONS";

House Bill No. 411 as Act 42, entitled: "RELATING TO TRANSFER OF INMATES";

House Bill No. 558 as Act 43, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 560 as Act 44, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 564 as Act 45, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 569 as Act 46, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 660 as Act 47, entitled: "RELATING TO THE BUREAU OF CONVEYANCES";

House Bill No. 666 as Act 48, entitled: "RELATING TO RESTITUTION";

House Bill No. 691 as Act 49, entitled: "RELATING TO ACQUISITION OF REAL PROPERTY; GENERAL";

House Bill No. 723 as Act 50, entitled: "RELATING TO TREE FARMS";

House Bill No. 725 as Act 51, entitled: "RELATING TO LAND COURT REGISTRATION";

House Bill No. 731 as Act 52, entitled: "RELATING TO LAND ACQUISITION POLICIES FOR FEDERALLY ASSISTED PROGRAMS";

House Bill No. 754 as Act 53, entitled: "RELATING TO RECOVERY OF FUNDS FOR FUNERAL PAYMENTS";

House Bill No. 1222 as Act 54, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 1259 as Act 55, entitled: "RELATING TO EGGS";

House Bill No. 1506 as Act 56, entitled: "RELATING TO PODIATRISTS";

House Bill No. 1828 as Act 57, entitled: "RELATING TO TRAFFIC VIOLATIONS";

House Bill No. 1830 as Act 58, entitled: "RELATING TO KONA AIRPORT";

House Bill No. 1839 as Act 59, entitled: "RELATING TO GENERAL LYMAN FIELD"; and

House Bill No. 1895 as Act 60, entitled: "RELATING TO STATE-FUNDED MEDICAL ASSISTANCE".

Gov. Msg. No. 206, informing the House that on April 26, 1989, he signed the following bills into law:

House Bill No. 1868 as Act 61, entitled: "RELATING TO THE ADMINISTRATIVE PROCESS TO ESTABLISH AND ENFORCE CHILD SUPPORT OBLIGATIONS"; and

House Bill No. 553 as Act 62, entitled: "RELATING TO THE JUDICIARY".

Gov. Msg. No. 207, returning House Bill No. 1215, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 26, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1215

Honorable Members
Fifteenth 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. 1215, entitled, 'A Bill for an Act Relating to Sentencing.'

The purpose of House Bill No. 1215 is to ensure that all job placements which are necessary to comply with court-ordered community service are coordinated through the Judiciary's Community Service Sentencing Program. The bill also is intended to make clear that individuals who have been assigned to a particular community service assignment do not thereby become employees of the work site.

While the bill ensures proper screening of an offender occurs before a particular community service assignment is made, it may be deemed to have altered the relationship between the State and the person sentenced to community service. Case law in some jurisdictions suggests that a person sentenced to community service may be an employee of the government for workers' compensation purposes, especially where the government agency exercises supervisory control over the person.

The existing version of section 706-605, Hawaii Revised Statutes, states that such a person 'shall not be deemed an employee for any purpose,' which would prevent him from being deemed an employee of the State or of the particular community service work site for workers' compensation purposes. The bill under consideration states that a person sentenced to community service 'shall not be deemed to be an employee of the assigned work site for any purpose.' Arguably this amendment limits the exclusion from employee status only to the assigned work site. If the exclusion applies only to the assigned work site, under the case law of other jurisdictions, a sentenced individual could contend that for the purposes of workers' compensation coverage, he is an employee of the governmental agency.

Also the bill seems to suggest that only a governmental agency can supervise a person engaged in community service. This could conceivably result in the State's being held liable for not actively supervising a person working

for a charitable organization or other community service group.

The amendments will create additional ambiguity that could result in costly litigation.

For the foregoing reasons, I am returning House Bill No. 1215 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

PROCLAMATION

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. 1215, entitled, 'A Bill for an Act Relating to Sentencing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1215 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. 1215 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 26th day of April, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 208, returning House Bill No. 1861, without his approval, and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 26, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1861

Honorable Members
Fifteenth 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. 1861, entitled, 'A Bill for an Act Relating to Housing.'

The intended purpose of this bill is to amend Section 201E-62, Hawaii Revised Statutes, to impose federal income limits (established by the Tax Reform Act of 1986) only and not state income limits for determining

eligibility for Hula Mae loans. The bill also will delete the asset requirements for eligible borrowers.

I have been advised that the reference to a section of the Internal Revenue Code of 1954, as amended, contained in this bill will result in uncertainty as to the purpose of this bill. It is my understanding that Senate Bill No. 1360, which also passed, will more clearly accomplish the purpose of this bill. Since I intend to approve Senate Bill No. 1360, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning House Bill No. 1861 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

PROCLAMATION

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. 1861, entitled, 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1861, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor 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. 1861 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 26th day of April, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1057 to 1061) were read by the Clerk and were placed on file:

Sen. Com. No. 1057, returning House Concurrent Resolution No. 14, HD 1, which was adopted by the Senate on April 26, 1989.

Sen. Com. No. 1058, informing the House that the Senate has adopted House Concurrent Resolution No. 337, HD 1, SD 1, on April 26, 1989.

By unanimous consent, H.C.R. No. 337, HD 1, SD 1, was placed on the Clerk's desk.

Sen. Com. No. 1059, informing the House that H.B. No. 205, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN

ACT RELATING TO THE STATE BUDGET," passed Final Reading in the Senate on April 26, 1989.

Sen. Com. No. 1060, informing the House that the following Senate Bills passed Final Reading in the Senate on April 26, 1989:

S.B. No. 1294, SD 1, HD 1, "RELATING TO THE HAWAII VISITORS BUREAU";

S.B. No. 676, HD 1, "RELATING TO IN-SERVICE TRAINING";

S.B. No. 1842, SD 1, HD 1, "RELATING TO STATUS OF CONVICTED PERSONS";

S.B. No. 1859, SD 2, HD 2, "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 556, SD 2, HD 1, "RELATING TO PARTNERSHIPS";

S.B. No. 621, HD 1, "RELATING TO TRADE SECRETS";

S.B. No. 717, SD 2, HD 1, "RELATING TO VOTER REGISTRATION";

S.B. No. 751, SD 1, HD 1, "RELATING TO FINANCIAL DISCLOSURE";

S.B. No. 1476, SD 2, HD 2, "RELATING TO PEER REVIEW";

S.B. No. 1788, SD 1, HD 1, "RELATING TO MARRIAGE LICENSES"; and

S.B. No. 538, SD 2, HD 2, "RELATING TO AGRICULTURAL LOANS".

Sen. Com. No. 1061, informing the House that the following bills passed Final Reading in the Senate on April 26, 1989:

S.B. No. 1553, HD 1, "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

H.B. No. 1906, HD 1, SD 2, CD 1, "RELATING TO THE STATE HEALTH INSURANCE PROGRAM";

H.B. No. 1822, HD 1, SD 1, CD 1, "RELATING TO THE TRANSFER OF THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS TO THE DEPARTMENT OF HEALTH";

H.B. No. 1217, HD 3, SD 2, CD 1, "RELATING TO AQUACULTURE";

H.B. No. 958, HD 1, SD 1, CD 1, "RELATING TO FARM LOANS";

H.B. No. 911, HD 2, SD 2, CD 1, "MAKING AN APPROPRIATION FOR THE TREATMENT OF INCARCERATED SEX OFFENDERS";

H.B. No. 360, HD 2, SD 2, "RELATING TO FOSTER CARE";

H.B. No. 1902, HD 1, SD 1, CD 1, "RELATING TO COASTAL ZONE MANAGEMENT";

H.B. No. 81, HD 1, SD 1, CD 1, "RELATING TO THE DEVELOPMENT OF TOURISM";

H.B. No. 79, HD 1, SD 1, CD 1, "RELATING TO TOURISM";

H.B. No. 1544, SD 2, CD 1, "MAKING AN APPROPRIATION FOR MARITIME ACTIVITIES";

H.B. No. 1299, SD 2, CD 1, "MAKING AN APPROPRIATION FOR FOSTERING INTERNATIONAL ACTIVITIES";

H.B. No. 913, HD 2, SD 1, CD 1, "RELATING TO ADULT RESIDENTIAL CARE HOMES";

H.B. No. 64, HD 2, SD 2, "RELATING TO LONG TERM CARE";

H.B. No. 1156, HD 2, SD 1, CD 1, "RELATING TO A CAPITOL TOUR AND INFORMATION SERVICE PROGRAM";

H.B. No. 604, HD 2, SD 2, CD 1, "RELATING TO HEALTH CARE";

S.B. No. 1787, SD 2, HD 2, CD 1, "RELATING TO BURIALS";

H.B. No. 30, HD 2, SD 1, CD 1, "RELATING TO HISTORIC PRESERVATION";

H.B. No. 32, HD 2, SD 1, CD 1, "RELATING TO HISTORIC PRESERVATION";

S.B. No. 1825, HD 1, CD 1, "RELATING TO DISASTERS";

H.B. No. 62, HD 2, SD 2, CD 1, "RELATING TO HUMAN SERVICES";

H.B. No. 362, HD 2, SD 1, CD 1, "RELATING TO PUBLIC ASSISTANCE";

S.B. No. 950, SD 1, HD 2, CD 1, "RELATING TO THE HAWAII PAROLING AUTHORITY";

S.B. No. 70, SD 1, HD 1, CD 1, "RELATING TO MEDICAL CLAIM CONCILIATION";

S.B. No. 1250, SD 1, HD 1, CD 1, "MAKING AN APPROPRIATION FOR HAWAIIAN HEALTH INITIATIVES";

S.B. No. 195, SD 1, HD 1, CD 1, "RELATING TO HANDICAPPED ACCESS";

S.B. No. 2004, SD 1, HD 2, CD 1, "RELATING TO ENCOURAGING SMALL BUSINESS INNOVATION AND RESEARCH";

S.B. No. 653, SD 1, HD 2, CD 1, "RELATING TO BOARD OF EDUCATION";

H.B. No. 80, HD 1, SD 1, CD 1, "MAKING AN APPROPRIATION FOR VISITOR INDUSTRY EDUCATIONAL AND TRAINING PROGRAMS";

H.B. No. 924, HD 2, SD 1, CD 1, "RELATING TO COMPENSATION FOR STATE AND COUNTY SERVICE";

H.B. No. 1358, HD 2, SD 2, CD 1, "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

H.B. No. 1850, HD 2, SD 1, CD 1, "RELATING TO FINANCIAL ASSISTANCE FOR TREATMENT WORKS";

- H.B. No. 1853, HD 1, SD 1, CD 1, "RELATING TO SHORTAGE CATEGORY CLASSES FOR PUBLIC EMPLOYEES";
- S.B. No. 1321, HD 2, CD 1, "RELATING TO VIOLENT BEHAVIOR";
- S.B. No. 1565, SD 2, HD 2, CD 1, "RELATING TO SENTENCING";
- S.B. No. 31, SD 1, HD 2, CD 1, "RELATING TO LEGISLATIVE ADVISORY COMMITTEES";
- H.B. No. 1778, HD 1, SD 1, CD 1, "RELATING TO RESTORATION OF WAIKIKI BEACH";
- S.B. No. 1897, SD 2, HD 2, CD 1, "RELATING TO FACILITIES FOR OLDER ADULTS";
- S.B. No. 750, SD 2, HD 2, CD 1, "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";
- H.B. No. 189, HD 2, SD 2, CD 1, "RELATING TO THE JUDICIARY";
- H.B. No. 646, HD 2, SD 2, CD 1, "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";
- H.B. No. 1824, HD 1, SD 1, CD 1, "RELATING TO COMPENSATION FOR CRIMINAL INJURIES";
- H.B. No. 920, HD 1, SD 2, CD 1, "RELATING TO A DEPARTMENT OF PUBLIC SAFETY";
- S.B. No. 527, SD 2, HD 2, CD 1, "RELATING TO EDUCATION";
- S.B. No. 633, SD 1, HD 1, CD 1, "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";
- S.B. No. 1427, SD 1, HD 1, CD 1, "RELATING TO PUBLIC UTILITIES";
- S.B. No. 637, SD 1, HD 1, CD 1, "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";
- S.B. No. 1117, SD 2, HD 2, CD 1, "RELATING TO ECONOMIC DEVELOPMENT";
- H.B. No. 9, HD 2, SD 2, CD 1, "RELATING TO ECONOMIC DEVELOPMENT";
- S.B. No. 1052, SD 2, HD 2, CD 1, "RELATING TO CALIFORNIA-HAWAII COOPERATION";
- H.B. No. 15, HD 2, SD 1, CD 1, "RELATING TO COMPUTERS";
- S.B. No. 1805, SD 1, HD 2, CD 1, "MAKING AN APPROPRIATION FOR RENTAL ASSISTANCE";
- S.B. No. 645, SD 1, HD 1, CD 1, "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";
- S.B. No. 636, SD 1, HD 1, CD 1, "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";
- S.B. No. 635, SD 1, HD 1, CD 1, "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";
- S.B. No. 311, SD 1, HD 1, CD 1, "RELATING TO ETHICS";
- S.B. No. 914, SD 1, HD 1, CD 1, "RELATING TO DISCOVERY";
- S.B. No. 1197, SD 2, HD 1, CD 1, "RELATING TO ANABOLIC STEROIDS";
- S.B. No. 1154, HD 1, CD 1, "RELATING TO THE PENAL CODE";
- S.B. No. 740, HD 1, CD 1, "RELATING TO THE JUDICIARY";
- S.B. NO. 644, SD 1, HD 1, CD 1, "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";
- H.B. No. 1716, HD 1, SD 1, CD 1, "RELATING TO INTERCEPTION OF COMMUNICATIONS";
- H.B. No. 1703, HD 1, SD 1, CD 1, "RELATING TO THE PENAL CODE";
- H.B. No. 548, HD 2, SD 2, CD 1, "RELATING TO ELECTIONS";
- S.B. No. 34, SD 1, HD 1, CD 1, "RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS";
- H.B. No. 694, HD 2, SD 1, CD 1, "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";
- H.B. No. 979, HD 1, SD 1, CD 1, "RELATING TO CRIMINAL INJURIES COMPENSATION";
- H.B. No. 43, HD 2, SD 2, CD 1, "RELATING TO ALTERNATIVE DISPUTE RESOLUTION";
- H.B. No. 205, HD 1, SD 1, CD 2, "RELATING TO THE STATE BUDGET";
- S.B. No. 1140, HD 2, CD 2, "RELATING TO ART IN STATE BUILDINGS";
- S.B. No. 832, HD 1, CD 1, "RELATING TO APPROPRIATIONS";
- S.B. No. 408, HD 1, CD 2, "RELATING TO STATE BONDS";
- S.B. No. 1734, SD 1, HD 1, CD 2, "RELATING TO CAPITAL IMPROVEMENT PROJECTS";
- H.B. No. 1854, HD 2, SD 1, CD 1, "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES";
- S.B. No. 783, SD 2, HD 2, CD 1, "RELATING TO THE REORGANIZATION OF YOUTH SERVICES"; and
- S.B. No. 1413, SD 2, HD 2, CD 1, "RELATING TO CIVIL RIGHTS".

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

By unanimous consent, H.B. No. 225, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 225, HD 1, and H.B. No. 225, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES 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.

By unanimous consent, H.B. No. 241, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 241, and H.B. No. 241, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 225 and 241 had passed Final Reading at 9:01 o'clock p.m.

By unanimous consent, H.B. No. 475, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 475, HD 1, and H.B. No. 475, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 566, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 566, HD 1, and H.B. No. 566, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 475 and 566 had passed Final Reading at 9:02 o'clock p.m.

By unanimous consent, H.B. No. 583, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 583, HD 1, and H.B. No. 583, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PEER REVIEW," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 672, HD 1, SD 1, was taken from the Clerk's desk.

Representative Apo moved that the House agree to the amendments proposed by the Senate to H.B. No. 672, HD 1, and H.B. No. 672, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative O'Kieffe then rose to speak in favor of the bill, stating:

"Mr. Speaker, with the passage of this bill, the library fines will no longer disappear in the State's general fund for it will go into a special fund where they will be used for the purchase of books and other library materials. What this means is that fines for overdue and lost books will stay with the libraries where they rightfully belong. This brings the process in line with both good sense and a public's perception on how it should be.

"Our libraries will benefit and, therefore, so will all of us in this Legislature and the State, and I am sure I will be able to sleep better knowing this is going to be happening.

"That the bill has reached this point of this final vote is a great tribute to the cooperative attitude of the members of this Legislature. It is the result of a lot of public spirit effort between a lot of people. I am proud to have been a part of it.

"I ask for your vote for H.B. 672 and for your support of our libraries in this year which the Governor and this Legislature have committed to improving education in our State.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 672, HD 1, and H.B. No. 672, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 837, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 837, HD 1, and H.B. No. 837, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTALLY DISABLED," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 583, 672 and 837 had passed Final Reading at 9:03 o'clock p.m.

By unanimous consent, H.B. No. 1378, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1378, HD 1, and H.B. No. 1378, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1575, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1575, and H.B. No. 1575, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS FOR ENERGY CONSERVATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1378 and 1575 had passed Final Reading at 9:04 o'clock p.m.

By unanimous consent, H.B. No. 1695, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1695, HD 1, and H.B. No. 1695, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

The Chair directed the Clerk to note that H.B. No. 1695 had passed Final Reading at 9:05 o'clock p.m.

At 9:05 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 9:06 o'clock p.m.

By unanimous consent, H.B. No. 1917, SD 2, was taken from the Clerk's desk.

Representative Apo moved that the House agree to the amendments proposed by the Senate to H.B. No. 1917, and H.B. No. 1917, SD 2, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

Representative Hemmings then rose to speak in favor of the bill, with reservations, stating:

"Just for the record, Mr. Speaker, it would have been much easier to eliminate the tax entirely rather than this convoluted tax credit system. In regards to the \$50-million thereabouts total tax relief package we're passing this session, it's a small relief against the \$600-million surplus that the State has. I hope that next year, we will continue to provide relief to taxpayers of Hawaii with, not credits, but simply the elimination of the tax.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, to add a footnote to what the Minority Floor Leader said, my concerns are his and also I'm concerned that much of the tax relief provided by this measure will be offset by an automatic essentially tax increase in our unemployment insurance situation and also, Mr. Speaker, I think, although we may rank high in terms of the so-called tax relief packages for today, I'd like to see statistics after all is said and done as to where we rank in terms of per capita tax for State burdens at the end of this session. My guess is we'll still be near the top.

"Thank you, Mr. Speaker."

Representative Cavasso then rose to speak in favor of the bill, with slight reservations, stating:

"It's good that we are increasing our standard deductions, it's good that we are decreasing our taxes and this is a good move by the Administration and by this Legislature.

"I would like to point out, however, on page 4 of the bill 1917, that there is actually something that will increase the marriage penalty and hurt families who want to try to stay together. We're increasing the standard deduction for married people by twelve percent, from \$1,700 to \$1,900, while we increase the standard deduction for single people by fifty percent -- almost four times the percentage of increase from \$1,000 to \$1,500. And in case of married individuals filing separate returns, they can only claim \$950 and so what we are saying is that people who are married would be better off getting a divorce to get more money back for tax purposes which is crazy because we're all trying to help families stay strong -- right?

"So, I just point that out that it would be good for us to come back next year and do some more tax adjusting.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1917, and H.B. No. 1917, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1917 had passed Final Reading at 9:09 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Apo, seconded by Representative Hemmings and carried, the rules were suspended for the purpose of reconsidering action previously taken.

RECONSIDERATION OF ACTION TAKEN

Representative Apo moved that the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 1382, HD 1, (SD 2), seconded by Representative Hemmings and carried.

Representative Apo moved that the House agree to the amendments proposed by the Senate to H.B. No. 1382, HD 1, and H.B. No. 1382, HD 1, SD 2, having been read throughout, pass Final Reading, seconded by Representative Hemmings.

At 9:10 o'clock p.m., Representative Hemmings asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:11 o'clock p.m.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1382, HD 1, and H.B. No. 1382, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1382 had passed Final Reading at 9:12 o'clock p.m.

At 9:13 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 9:24 o'clock p.m.

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

By unanimous consent, H.C.R. No. 3, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 3, HD 1, and H.C.R. No. 3, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING AND SUPPORTING THE WORK OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO ERADICATE FRUIT FLIES IN HAWAII," was Finally adopted.

By unanimous consent, H.C.R. 10, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 10, HD 1, and H.C.R. No. 10, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATUS OF IMPLEMENTING THE NATIVE HAWAIIAN HEALTH CARE ACT OF 1988," was Finally adopted.

By unanimous consent, H.C.R. 20, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 20, HD 1, and H.C.R. No. 20, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMATIC PROGRAM OF REPAIR AND MAINTENANCE FOR ALL PUBLIC LIBRARIES," was Finally adopted.

By unanimous consent, H.C.R. 24, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 24, HD 1, and H.C.R. No. 24, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN FOR THE CONSTRUCTION OF SCHOOL FACILITIES," was Finally adopted.

By unanimous consent, H.C.R. 39, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 39, HD 1, and H.C.R. No. 39, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF CERTAIN GOVERNMENT WATER RIGHTS FOR THE PURPOSE OF CONSTRUCTING HYDRO-ELECTRIC POWER FACILITIES ON THE ISLAND OF KAUAI," was Finally adopted.

By unanimous consent, H.C.R. 52, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 52, and H.C.R. No. 52, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO AMEND THE CABLE COMMUNICATIONS POLICY

ACT OF 1984 TO ALLOW REGULATION OF CABLE TELEVISION RATES AND TO ALLOW REGULATION OF CABLE TELEVISION AS A UTILITY," was Finally adopted.

By unanimous consent, H.C.R. 110, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 110, HD 1, and H.C.R. No. 110, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PREPARE AND SUBMIT A CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED FEDERAL BUDGET, OR TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE SUCH A CONSTITUTIONAL AMENDMENT," was Finally adopted.

By unanimous consent, H.C.R. 113, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 113, HD 1, and H.C.R. No. 113, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF UNIFORM RULES AND REGULATIONS FOR HIGH SCHOOL ATHLETICS," was Finally adopted.

By unanimous consent, H.C.R. 128, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 128, HD 1, and H.C.R. No. 128, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON ENVIRONMENTAL CONDITIONS IN SCHOOL CLASSROOMS," was Finally adopted.

By unanimous consent, H.C.R. 133, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 133, HD 1, and H.C.R. No. 133, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE CONSTRUCTION OF NEW LIBRARY FACILITIES AT IROQUOIS POINT ELEMENTARY SCHOOL, OAHU," was Finally adopted.

By unanimous consent, H.C.R. 135, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 135, HD 1, and H.C.R. No. 135, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF AN ACTION PLAN FOR THE PROTECTION OF HISTORIC SITES," was Finally adopted.

By unanimous consent, H.C.R. 149, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 149, and H.C.R. No. 149, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WAIANAE COAST COALITION FOR HUMAN

SERVICES PLANNING TASK FORCE TO CONTINUE ITS WORK TO DEVELOP A COMPREHENSIVE PLAN OF INTEGRATED SERVICES FOR THE WAIANAE COAST," was Finally adopted.

By unanimous consent, H.C.R. 165, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 165, HD 1, and H.C.R. No. 165, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSIDERATION OF A POLICY OF DISPLAYING THE AMERICAN AND HAWAIIAN FLAG IN ALL PUBLIC SCHOOL CLASSROOMS," was Finally adopted.

By unanimous consent, H.C.R. 200, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 200, HD 1, and H.C.R. No. 200, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO PROVIDE FUNDS FOR THE DEVELOPMENT OF INFRASTRUCTURE ON HAWAIIAN HOME LANDS," was Finally adopted.

By unanimous consent, H.C.R. 242, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 242, and H.C.R. No. 242, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE HIGHER ORDER OF THINKING SKILLS," was Finally adopted.

By unanimous consent, H.C.R. 256, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 256, HD 1, and H.C.R. No. 256, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF HAWAII'S UTILIZATION OF THE FEDERAL MEDICAID PROGRAM AND THE DEVELOPMENT OF A STRATEGIC PLAN TO MAXIMIZE RECOVERY OF FEDERAL DOLLARS FROM MEDICAID," was Finally adopted.

By unanimous consent, H.C.R. 282, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 282, and H.C.R. No. 282, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC HARDSHIPS IMPOSED BY THE COSTS OF HIGH SCHOOL SOCIAL EVENTS AND OTHER STUDENT PURCHASES," was Finally adopted.

By unanimous consent, H.C.R. 287, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 287, HD 1, and H.C.R. No. 287, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE

UNIVERSITY OF HAWAII TO REINSTATE WRESTLING AS AN INTERCOLLEGIATE SPORT," was Finally adopted.

By unanimous consent, H.C.R. 289, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 289, HD 1, and H.C.R. No. 289, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE WELFARE HEARINGS PROCESS," was Finally adopted.

By unanimous consent, H.C.R. 301, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 301, HD 1, and H.C.R. No. 301, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A COMMITTEE TO STUDY THE ERECTION OF NOISE BARRIERS ALONG HIGHWAYS," was Finally adopted.

By unanimous consent, H.C.R. 307, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 307, HD 1, and H.C.R. No. 307, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF ACCULTURATION OF IMMIGRANTS," was Finally adopted.

By unanimous consent, H.C.R. 312, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 312, HD 1, and H.C.R. No. 312, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE MOST SUITABLE FORM OF DISCHARGE PLANNING SYSTEM FOR THE STATE OF HAWAII," was Finally adopted.

By unanimous consent, H.C.R. 334, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 334, HD 1, and H.C.R. No. 334, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE PLANTING OF NATIVE TREES AND OTHER SELECTED TREES SPECIES AND THE IMPLEMENTATION OF GOOD FORESTRY PRACTICES," was Finally adopted.

By unanimous consent, H.C.R. 335, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 335, HD 1, and H.C.R. No. 335, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW AND EVALUATION OF HEALTH AND SOCIAL NEEDS AND SERVICES IN RURAL AREAS," was Finally adopted.

By unanimous consent, H.C.R. 353, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 353, HD 1, and H.C.R. No. 353, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO INCORPORATE MANUFACTURED HOUSING IN THEIR PROJECTS," was Finally adopted.

By unanimous consent, H.C.R. 354, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 354, HD 1, and H.C.R. No. 354, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO SET ASIDE LAND IN EACH OF ITS MASTER PLANNED COMMUNITIES FOR THE DEVELOPMENT OF SELF-HELP HOUSING CONSTRUCTION PROGRAMS," was Finally adopted.

By unanimous consent, H.C.R. 362, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 362, and H.C.R. No. 362, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESS OF THE UNITED STATES OF AMERICA CEASE IMPLEMENTATION OF THE MEDICARE CATASTROPHIC EXPANSION ACT OF 1988 AND PROVIDE FURTHER STUDY BEFORE CONTINUANCE," was Finally adopted.

By unanimous consent, H.C.R. 364, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 364, HD 1, and H.C.R. No. 364, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A TASK FORCE FOR HAWAIIAN SERVICES," was Finally adopted.

By unanimous consent, H.C.R. 366, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 366, HD 1, and H.C.R. No. 366, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION MAKING A FIRM COMMITMENT TO VIGOROUSLY PURSUE THE DEVELOPMENT OF AEROSPACE GROUND SUPPORT FACILITIES," was Finally adopted.

By unanimous consent, H.C.R. 375, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 375, HD 1, and H.C.R. No. 375, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GOVERNORS ASSOCIATION TO WORK FOR CHANGES IN THE FEDERAL RULES AND STATUTES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN," was Finally adopted.

By unanimous consent, H.C.R. 379, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 379, and H.C.R. No. 379, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE CANADA-FRANCE-HAWAII TELESCOPE, THE UNITED KINGDOM INFRARED TELESCOPE, AND THE NASA INFRARED TELESCOPE AND ENDORSING THE EXPANSION OF HAWAII'S INTERNATIONAL ROLE IN ASTRONOMY," was Finally adopted.

By unanimous consent, H.C.R. 389, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 389, HD 1, and H.C.R. No. 389, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF INTERIOR TO CONDUCT ITS OWN INVESTIGATION OF THE RECOVERY OF HOMESTEAD LAND AT LUALUALEI AND KEAUKAHA," was Finally adopted.

By unanimous consent, H.C.R. 390, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 390, and H.C.R. No. 390, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE SIGNIFICANCE OF THE STATUE OF FREEDOM AS A SYMBOL OF WORLD PEACE AND FREEDOM," was Finally adopted.

By unanimous consent, H.C.R. 394, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 394, HD 1, and H.C.R. No. 394, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT PSYCHOLOGISTS BE ALLOWED TO BECOME MEMBERS OF HOSPITAL MEDICAL STAFFS," was Finally adopted.

By unanimous consent, H.C.R. 397, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 397, and H.C.R. No. 397, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING EFFORTS TO EXPAND THE MEDICAID SCOPE OF SERVICES TO THE MENTALLY ILL INDIVIDUALS IN THE STATE OF HAWAII," was Finally adopted.

By unanimous consent, H.C.R. 337, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Apo, seconded by Representative Hemmings and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 337, HD 1, and H.C.R. No. 337, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT," was Finally adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 418 to 422) were read by the Clerk and were disposed of as follows:

H.R. No. 418, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, REGULAR SESSION OF 1989," was jointly offered by Representatives Kihano, Alcon, Okamura, Apo, Hemmings and Liu.

On motion by Representative Apo, seconded by Representative Hemmings and carried, H.R. No. 418 was adopted.

H.R. No. 419, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO DESIGNATE WHICH OF THE EMPLOYEES AND OFFICERS OF THE HOUSE 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 Kihano, Alcon, Okamura, Apo, Hemmings and Liu.

On motion by Representative Apo, seconded by Representative Hemmings and carried, H.R. No. 419 was adopted.

H.R. No. 420, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE FIFTEENTH LEGISLATURE, REGULAR SESSION OF 1989, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 1989 AND 1990 SESSIONS," was jointly offered by Representatives Kihano, Alcon, Okamura, Apo, Hemmings and Liu.

On motion by Representative Apo, seconded by Representative Hemmings and carried, H.R. No. 420 was adopted.

H.R. No. 421, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1989 AND THE CONVENING OF THE REGULAR SESSION OF 1990," was jointly offered by Representatives Kihano, Alcon, Okamura, Apo, Hemmings and Liu.

On motion by Representative Apo, seconded by Representative Hemmings and carried, H.R. No. 421 was adopted.

H.R. No. 422, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 62ND DAY," was jointly offered by Representatives Kihano, Alcon, Okamura, Apo, Hemmings and Liu.

On motion by Representative Apo, seconded by Representative Hemmings and carried, H.R. No. 422 was adopted.

ADJOURNMENT

Representative Apo moved that the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, adjourn Sine Die, seconded by Representative Hemmings and carried.

At 9:26 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 209 informing the House that on May 3, 1989, he signed the following bills into law:

Senate Bill No. 1863 as Act 63, entitled: "RELATING TO BENEFITS FOR PUBLIC OFFICERS AND EMPLOYEES"; and

House Bill No. 404 as Act 64, entitled: "RELATING TO ADMINISTRATIVE RULES".

Gov. Msg. No. 210 informing the House that on May 4, 1989, he signed the following bills into law:

Senate Bill No. 658 as Act 65, entitled: "RELATING TO PREMARITAL EXAMINATION FOR RUBELLA";

Senate Bill No. 660 as Act 66, entitled: "RELATING TO HANSEN'S DISEASE";

Senate Bill No. 663 as Act 67, entitled: "RELATING TO COMMUNICABLE DISEASES";

Senate Bill No. 1253 as Act 68, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1806 as Act 69, entitled: "RELATING TO HOUSING PROGRAMS";

Senate Bill No. 1808 as Act 70, entitled: "RELATING TO RENTAL HOUSING PROJECTS";

Senate Bill No. 1811 as Act 71, entitled: "RELATING TO HOUSING"; and

Senate Bill No. 1880 as Act 72, entitled: "RELATING TO TOLERANCE FOR PESTICIDES IN FOOD OR RAW AGRICULTURAL COMMODITIES".

Gov. Msg. No. 211 informing the House that on May 8, 1989, he signed the following bill into law:

House Bill No. 462 as Act 73, entitled: "RELATING TO STATE BONDS".

Gov. Msg. No. 212 informing the House that on May 8, 1989, he signed the following bills into law:

Senate Bill No. 647 as Act 74, entitled: "RELATING TO CORRECTIONAL EMPLOYMENT";

House Bill No. 523 as Act 75, entitled: "RELATING TO NAMES"; and

House Bill No. 1656 as Act 76, entitled: "RELATING TO THE UNIFORM CUSTODIAL TRUST ACT".

Gov. Msg. No. 213 informing the House that on May 11, 1989, he signed the following bills into law:

Senate Bill No. 1344 as Act 77, entitled: "RELATING TO OZONE DEPLETION AND GLOBAL WARMING"; and

Senate Bill No. 1117 as Act 78, entitled: "RELATING TO MENTAL HEALTH".

Gov. Msg. No. 214 informing the House that he signed the following bills into law on the dates indicated:

May 12, 1989

Senate Bill No. 3 as Act 79, entitled: "RELATING TO ACCESS OF ARCHIVAL RECORDS";

Senate Bill No. 1001 as Act 80, entitled: "RELATING TO THE ISSUANCE OF BONDS BY THE COUNTIES"; and

House Bill No. 161 as Act 81, entitled: "RELATING TO PROFESSIONAL CORPORATIONS".

May 15, 1989

House Bill No. 401 as Act 82, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL".

Gov. Msg. No. 215 informing the House that on May 17, 1989, he signed the following bills into law:

Senate Bill No. 905 as Act 83, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

House Bill No. 942 as Act 84, entitled: "RELATING TO EXAMINATIONS";

House Bill No. 943 as Act 85, entitled: "RELATING TO NATUROPATH";

House Bill No. 1015 as Act 86, entitled: "RELATING TO STATE BONDS"; and

House Bill No. 1205 as Act 87, entitled: "RELATING TO CHICKEN EGGS".

Gov. Msg. No. 216 informing the House that on May 19, 1989, he signed the following bills into law:

Senate Bill No. 38 as Act 88, entitled: "RELATING TO ELECTIONS";

Senate Bill No. 101 as Act 89, entitled: "RELATING TO FUMIGATION";

Senate Bill No. 255 as Act 90, entitled: "RELATING TO REAL ESTATE COLLECTION SERVICING AGENTS";

Senate Bill No. 567 as Act 91, entitled: "RELATING TO INSURANCE";

Senate Bill No. 627 as Act 92, entitled: "RELATING TO MEAT INSPECTION";

Senate Bill No. 418 as Act 93, entitled: "RELATING TO FINANCIAL PLANNERS";

Senate Bill No. 646 as Act 94, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 662 as Act 95, entitled: "RELATING TO TUBERCULOSIS";

Senate Bill No. 672 as Act 96, entitled: "RELATING TO HUNTING";

Senate Bill No. 849 as Act 97, entitled: "RELATING TO KALAUPAPA";

Senate Bill No. 886 as Act 98, entitled: "RELATING TO THE FIRST ASSISTANT OR FIRST DEPUTY TO THE AUDITOR";

Senate Bill No. 1554 as Act 99, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 1812 as Act 100, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1841 as Act 101, entitled: "RELATING TO FISHING IN CERTAIN WATERS"; and

Senate Bill No. 1843 as Act 102, entitled: "RELATING TO THE WORKERS' COMPENSATION PAYMENT FUNCTION".

Gov. Msg. No. 217 informing the House that he signed the following bills into law on the dates indicated:

May 19, 1989

Senate Bill No. 509 as Act 103, entitled: "RELATING TO NURSING HOME ADMINISTRATORS".

May 24, 1989

Senate Bill No. 1890 as Act 104, entitled: "RELATING TO PUBLIC LANDS".

Gov. Msg. No. 218 informing the House that on May 31, 1989, he signed the following bills into law:

Senate Bill No. 655 as Act 105, entitled: "RELATING TO CIVIL SERVICE LAW";

House Bill No. 1859 as Act 106, entitled: "RELATING TO THE CIVIL SERVICE AND EXEMPTIONS"; and

House Bill No. 845 as Act 107, entitled: "RELATING TO INFANTS AND TODDLERS".

Gov. Msg. No. 219 returning Senate Bill No. 688, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 7, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 688

Honorable Members
Fifteenth 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. 688, entitled 'A Bill for an Act Relating to Land Acquisition Policies for Federally Assisted Programs.'

The purpose of Senate Bill No. 688 is to amend Section 113-5, Hawaii Revised Statutes, to conform state land acquisition law for Federally assisted programs to assure continued eligibility for Federal Funds.

However, Senate Bill No. 688 is duplicative of House Bill No. 731, which was also passed by the Legislature during the Regular Session of 1989. Since I approved House Bill No. 731 on April 24, 1989, as Act 52, it is unnecessary to also approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 688 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. 688, entitled 'A Bill for an Act Relating to Land Acquisition Policies for Federally Assisted Programs,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 688 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. 688 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, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 220 returning Senate Bill No. 1830, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 7, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1830

Honorable Members
Fifteenth 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. 1830, entitled 'A Bill for an Act Relating to Criminal Injuries Compensation.'

The stated purpose of Senate Bill No. 1830 is to permit the Criminal Injuries Compensation Commission, for good cause, to entertain claims for compensation filed after the eighteen-month limitations period specified by current law, when the victim is a minor or is mentally incapacitated.

However, House Bill No. 979, which was also passed during the Regular Session of 1989, will amend the same statute to generally allow claims beyond the eighteen-month limitations period to be considered by the commission upon a showing of good cause, regardless of whether the victim is a minor or mentally incapacitated.

Since I intend to approve House Bill No. 979, which will accomplish the purpose of this bill, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1830 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 1830, entitled 'A Bill for an Act Relating to Criminal Injuries Compensation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1830 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. 1830 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, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 221 returning Senate Bill No. 1860, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 7, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1860

Honorable Members
Fifteenth 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. 1860, entitled 'A Bill for an Act Relating to Public Utilities.'

The purpose of this bill is to permit the Public Utilities Commission to hire research assistants exempt from Chapters 76 and 77, Hawaii Revised Statutes.

A companion bill, House Bill No. 1803, was also passed by the Legislature during the Regular Session of

1989. Since I intend to approve House Bill No. 1803, there is no need to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1860 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 1860, entitled 'A Bill for an Act Relating to Public Utilities,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1860 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. 1860 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, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 222 returning Senate Bill No. 1995, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 7, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1995

Honorable Members
Fifteenth 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. 1995, entitled 'A Bill for an Act Relating to Motor Vehicles.'

The purpose of Senate Bill No. 1995 is to amend Section 291-21.5, Hawaii Revised Statutes, to increase the allowable variance for minimum luminous transmittance for suncreening devices for vehicles.

However, Senate Bill No. 1995 is duplicative of House Bill No. 1222 which was also passed by the Legislature during the Regular Session of 1989. Since I approved

House Bill No. 1222, on April 24, 1989, as Act 54, it is unnecessary to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1995 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. 1995, entitled 'A Bill for an Act Relating to Motor Vehicles,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1995 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. 1995 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, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 223 returning House Bill No. 1197, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1197

Honorable Members
Fifteenth 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. 1197, entitled 'A Bill for an Act Relating to the Director of Health.'

The main purpose of this bill is to amend Section 26-13, Hawaii Revised Statutes, to add a requirement that the Director of Health must possess at least five years of experience in health care delivery, public health administration, or some other health-related field.

When the Hawaii Board of Health was created in 1851, there were no statutory qualifications for the position of

the president of the Board of Health. In 1951, by Act 292, the Legislature imposed the following health related requirements on the position:

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.

These same requirements were made applicable to the Director of Health of the State of Hawaii, the successor officer to the president of the Board of Health. However, in 1974, by Act 252, the Legislature repealed the qualifications originally enacted in 1951 on the ground that they were too restrictive and eliminated a large group of people who would otherwise have been qualified to carry out the duties of a position which is mostly administrative.

In 1987, the Legislature passed Senate Bill No. 349, which sought to add certain health-related qualifications to the position of Director of Health. In my statement of objections to that bill, I pointed out that the powers and duties of the Director of Health do not require the Director to personally treat patients and diagnose illnesses and that many mainland states such as California, Maryland, Nebraska, South Dakota, Kansas, Delaware, Idaho, and Alaska do not have statutory qualifications for their top health officers. I believed that the proposed requirements were too restrictive and would unduly limit the pool of qualified applicants for the position. House Bill No. 1197 is similar to Senate Bill No. 349 of 1987 and raises the same concerns.

For the foregoing reasons, I am returning House Bill No. 1197 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. 1197, 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, House Bill No. 1197 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. 1197 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 9th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 223A returning Senate Bill No. 739, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 739

Honorable Members
Fifteenth 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. 739, entitled 'A Bill for an Act Relating to the Judiciary.'

The purpose of Senate Bill No. 739 is to permit greater access to adult probation records by state and federal criminal justice and law enforcement agencies than allowed under existing law.

However, Senate Bill No. 739 is substantially identical to House Bill No. 557, which was also passed by the Legislature during the Regular Session of 1989. Since I intend to approve House Bill No. 557, which will accomplish the purpose of Senate Bill No. 739, there is no necessity to also approve Senate Bill No. 739.

For the foregoing reason, I am returning Senate Bill No. 739 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. 739, entitled 'A Bill for an Act Relating to the Judiciary,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 739 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. 739 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 9th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 224 returning House Bill No. 1133, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1133

Honorable Members
Fifteenth 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. 1133, entitled 'A Bill for an Act Relating to Rental Agencies.'

The purpose of House Bill No. 1133 is to increase the severity of criminal penalties which may be imposed on individuals who fail to return rental property or rental vehicles within a specified period of time by incorporating these types of crimes into the penal code definition of theft.

While it is recognized that there is a problem with renters failing to return rental property in a timely fashion, a penalty could result under this bill which would be disproportionate to the offense. For example, if property is eventually returned to its owner, albeit late, the offense, by virtue of the bill, would have to be charged as a felony if the value of the property meets or exceeds the dollar amount needed for felony theft.

On the other hand, if rental property is never returned at all, that crime can be handled by existing statutes on unauthorized control of a propelled vehicle or theft.

For the foregoing reasons, I am returning House Bill No. 1133 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. 1133, entitled 'A Bill for an Act Relating to Rental Agencies,' passed by the

Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1133 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. 1133 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 9th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 225 returning Senate Bill No. 636, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 636

Honorable Members
Fifteenth 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. 636, entitled 'A Bill for an Act Making Appropriations for Collective Bargaining Cost Items.'

The purpose of Senate Bill No. 636 is to appropriate funds for cost items for pay adjustments for employees in the bargaining unit 4 white-collar supervisory employees' collective bargaining agreement. The cost items are for fiscal bienniums 1989-1991 and 1991-1993.

However, the collective bargaining agreement for bargaining unit 4 covers only fiscal biennium 1989-1991. Therefore, the appropriations for fiscal biennium 1991-1993 are unnecessary to fund the agreed upon cost items for bargaining unit 4.

For the foregoing reason, I am returning Senate Bill No. 636 with the appropriations totaling \$650,954 for fiscal year 1991-1992 and the appropriations totaling \$482,848 for fiscal year 1992-1993 stricken from section 2 of the bill.

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. 636, entitled 'A Bill for an Act Making Appropriations for Collective Bargaining Cost Items,' 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 items or items in any bill which appropriates money for specific purposes; and

WHEREAS, Senate Bill No. 636 appropriates money for specific purposes; and

WHEREAS, certain appropriation items in Senate Bill No. 636 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. 636 to the Legislature with my objections, as indicated to certain appropriation items listed herein, as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol
Honolulu, State of Hawaii
this 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 226 informing the House that on June 7, 1989, he signed the following bills into law:

Senate Bill No. 10 as Act 108, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 12 as Act 109, entitled: "RELATING TO MILK CONTROL";

Senate Bill No. 300 as Act 110, entitled: "RELATING TO PUBLIC ACCOUNTANCY";

Senate Bill No. 717 as Act 111, entitled: "RELATING TO VOTER REGISTRATION";

Senate Bill No. 733 as Act 112, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 751 as Act 113, entitled: "RELATING TO FINANCIAL DISCLOSURE";

Senate Bill No. 1553 as Act 114, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1573 as Act 115, entitled: "RELATING TO MILK";

Senate Bill No. 1842 as Act 116, entitled: "RELATING TO STATUS OF CONVICTED PERSONS";

Senate Bill No. 1938 as Act 117, entitled: "RELATING TO EXCEPTIONAL CHILDREN";

House Bill No. 12 as Act 118, entitled: "RELATING TO ECONOMIC DEVELOPMENT";

- House Bill No. 181 as Act 119, entitled: "RELATING TO THE JUDICIARY";
- House Bill No. 254 as Act 120, entitled: "RELATING TO ELECTIONS";
- House Bill No. 339 as Act 121, entitled: "RELATING TO ELECTIONS";
- House Bill No. 405 as Act 122, entitled: "RELATING TO ENFORCEMENT";
- House Bill No. 536 as Act 123, entitled: "RELATING TO SERVICE OF PROCESS";
- House Bill No. 559 as Act 124, entitled: "RELATING TO THE JUDICIARY";
- House Bill No. 561 as Act 125, entitled: "RELATING TO THE JUDICIARY";
- House Bill No. 566 as Act 126, entitled: "RELATING TO THE FAMILY COURT";
- House Bill No. 567 as Act 127, entitled: "RELATING TO THE FAMILY COURT";
- House Bill No. 571 as Act 128, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL";
- House Bill No. 672 as Act 129, entitled: "RELATING TO LIBRARIES";
- House Bill No. 837 as Act 130, entitled: "RELATING TO THE DEVELOPMENTALLY DISABLED";
- House Bill No. 1135 as Act 131, entitled: "RELATING TO TERRORISTIC THREATENING OF AN EDUCATIONAL WORKER";
- House Bill No. 1593 as Act 132, entitled: "RELATING TO CUSTODY AWARDS";
- House Bill No. 1698 as Act 133, entitled: "RELATING TO CHILD SUPPORT";
- House Bill No. 1851 as Act 134, entitled: "RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM";
- Senate Bill No. 15 as Act 135, entitled: "RELATING TO CIVIL DEFENSE";
- Senate Bill No. 20 as Act 136, entitled: "RELATING TO POLICE DEPARTMENTS";
- Senate Bill No. 25 as Act 137, entitled: "RELATING TO URBAN AND REGIONAL DESIGN";
- Senate Bill No. 36 as Act 138, entitled: "RELATING TO ELECTIONS";
- Senate Bill No. 54 as Act 139, entitled: "RELATING TO CORPORATIONS";
- Senate Bill No. 100 as Act 140, entitled: "RELATING TO DISTRICT COURT PRACTITIONERS";
- Senate Bill No. 297 as Act 141, entitled: "RELATING TO CONTRACTORS";
- Senate Bill No. 299 as Act 142, entitled: "RELATING TO ELECTRICIANS AND PLUMBERS";
- Senate Bill No. 308 as Act 143, entitled: "RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE";
- Senate Bill No. 368 as Act 144, entitled: "RELATING TO CONDOMINIUM HOTEL OPERATORS";
- Senate Bill No. 431 as Act 145, entitled: "RELATING TO PUBLIC LANDS";
- Senate Bill No. 514 as Act 146, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";
- Senate Bill No. 770 as Act 147, entitled: "RELATING TO THE GRANT OF A FRANCHISE FOR THE ISLAND OF MOLOKAI TO MOLOKAI ELECTRIC COMPANY, LIMITED";
- Senate Bill No. 966 as Act 148, entitled: "RELATING TO LICENSING OF PHYSICAL THERAPISTS";
- Senate Bill No. 1187 as Act 149, entitled: "RELATING TO TAXATION";
- Senate Bill No. 1949 as Act 150, entitled: "RELATING TO PUBLIC UTILITIES";
- House Bill No. 148 as Act 151, entitled: "RELATING TO RACING ON HIGHWAYS";
- House Bill No. 188 as Act 152, entitled: "RELATING TO CREDIT SERVICES ORGANIZATIONS";
- House Bill No. 219 as Act 153, entitled: "RELATING TO BEAUTY CULTURE";
- House Bill No. 362 as Act 154, entitled: "RELATING TO PUBLIC ASSISTANCE";
- House Bill No. 548 as Act 155, entitled: "RELATING TO ELECTIONS";
- House Bill No. 694 as Act 156, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";
- House Bill No. 711 as Act 157, entitled: "RELATING TO COMPULSORY SCHOOL ATTENDANCE";
- House Bill No. 821 as Act 158, entitled: "RELATING TO ABANDONED VEHICLES";
- House Bill No. 924 as Act 159, entitled: "RELATING TO COMPENSATION FOR STATE AND COUNTY SERVICE"; and
- House Bill No. 1362 as Act 160, entitled: "RELATING TO FREEDOM OF INFORMATION".
- Gov. Msg. No. 227 informing the House that on June 7, 1989, he signed the following bills into law:
- House Bill No. 1850 as Act 161, entitled: "RELATING TO FINANCIAL ASSISTANCE FOR TREATMENT WORKS";
- House Bill No. 1597 as Act 162, entitled: "RELATING TO CONTRACTORS";
- House Bill No. 1703 as Act 163, entitled: "RELATING TO THE PENAL CODE";
- House Bill No. 1716 as Act 164, entitled: "RELATING TO INTERCEPTION OF COMMUNICATIONS";

Senate Bill No. 31 as Act 165, entitled: "RELATING TO LEGISLATIVE ADVISORY COMMITTEES";

Senate Bill No. 34 as Act 166, entitled: "RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS";

Senate Bill No. 379 as Act 167, entitled: "RELATING TO TRAFFIC VIOLATIONS";

Senate Bill No. 417 as Act 168, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS";

Senate Bill No. 496 as Act 169, entitled: "RELATING TO THE LANDLORD-TENANT CODE";

Senate Bill No. 633 as Act 170, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 635 as Act 171, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 637 as Act 172, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 644 as Act 173, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 1885 as Act 174, entitled: "RELATING TO FISHING WITH NETS AND TRAPS.

House Bill No. 453 as Act 175, entitled: "RELATING TO STATUTE OF LIMITATIONS";

House Bill No. 976 as Act 176, entitled: "RELATING TO WITNESSES";

House Bill No. 979 as Act 177, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

House Bill No. 1803 as Act 178, entitled: "RELATING TO PUBLIC UTILITIES";

House Bill No. 1778 as Act 179, entitled: "RELATING TO RESTORATION OF WAIKIKI BEACH";

House Bill No. 744 as Act 180, entitled: "RELATING TO ACUPUNCTURE PRACTITIONERS";

House Bill No. 748 as Act 181, entitled: "RELATING TO THE BOARD OF MEDICAL EXAMINERS";

House Bill No. 917 as Act 182, entitled: "RELATING TO NURSING";

House Bill No. 1188 as Act 183, entitled: "RELATING TO JUVENILE JUSTICE";

House Bill No. 1825 as Act 184, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1827 as Act 185, entitled: "RELATING TO TRANSPORTATION OF HAZARDOUS MATERIALS, HAZARDOUS WASTE, AND ETIOLOGIC AGENTS";

House Bill No. 1887 as Act 186, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

Senate Bill No. 661 as Act 187, entitled: "RELATING TO THE COMMISSION ON THE HANDICAPPED";

Senate Bill No. 1190 as Act 188, entitled: "RELATING TO REAL ESTATE APPRAISAL";

Senate Bill No. 1427 as Act 189, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 1469 as Act 190, entitled: "RELATING TO DIRECTORS AND OFFICERS LIABILITY";

Senate Bill No. 1565 as Act 191, entitled: "RELATING TO SENTENCING";

Senate Bill No. 1799 as Act 192, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

Senate Bill No. 1823 as Act 193, entitled: "RELATING TO TRAVEL AGENCIES";

Senate Bill No. 1825 as Act 194, entitled: "RELATING TO DISASTERS";

Senate Bill No. 1871 as Act 195, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 2004 as Act 196, entitled: "RELATING TO ENCOURAGING SMALL BUSINESS INNOVATION AND RESEARCH";

Senate Bill No. 645 as Act 197, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

Senate Bill No. 653 as Act 198, entitled: "RELATING TO BOARD OF EDUCATION";

Senate Bill No. 678 as Act 199, entitled: "RELATING TO THE TRANSIENT ACCOMMODATIONS TAX REGISTRATION";

Senate Bill No. 690 as Act 200, entitled: "RELATING TO PUBLIC CONTRACTS";

Senate Bill No. 819 as Act 201, entitled: "RELATING TO LABELING";

Senate Bill No. 864 as Act 202, entitled: "RELATING TO HEALTH CLUBS";

Senate Bill No. 967 as Act 203, entitled: "RELATING TO REAL ESTATE LICENSES";

Senate Bill No. 1175 as Act 204, entitled: "RELATING TO MASSAGE";

Senate Bill No. 1230 as Act 205, entitled: "RELATING TO MOTOR VEHICLE REPAIRS";

Senate Bill No. 1805 as Act 206, entitled: "MAKING AN APPROPRIATION FOR RENTAL ASSISTANCE";

Senate Bill No. 1813 as Act 207, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 1814 as Act 208, entitled: "RELATING TO INSURANCE FOR MOTORCYCLES AND MOTOR SCOOTERS";

Senate Bill No. 1818 as Act 209, entitled: "RELATING TO THE CONTRACTORS RECOVERY FUND";

Senate Bill No. 1948 as Act 210, entitled: "RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS";

House Bill No. 920 as Act 211, entitled: "RELATING TO A DEPARTMENT OF PUBLIC SAFETY";

Senate Bill No. 1914 as Act 212, entitled: "RELATING TO ENVIRONMENTAL QUALITY"; and

Senate Bill No. 424 as Act 213, entitled: "RELATING TO SOCIAL WORKERS".

Gov. Msg. No. 228 informing the House that he signed the following bills into law on the dates indicated:

June 8, 1989

Senate Bill No. 70 as Act 214, entitled: "RELATING TO MEDICAL CLAIM CONCILIATION";

Senate Bill No. 107 as Act 215, entitled: "RELATING TO DECLARATION OF NATIONAL EMERGENCY";

Senate Bill No. 113 as Act 216, entitled: "RELATING TO TORT ACTIONS";

Senate Bill No. 156 as Act 217, entitled: "RELATING TO REAL ESTATE";

Senate Bill No. 298 as Act 218, entitled: "RELATING TO MORTGAGE BROKERS AND SOLICITORS";

Senate Bill No. 311 as Act 219, entitled: "RELATING TO ETHICS";

Senate Bill No. 592 as Act 220, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

Senate Bill No. 621 as Act 221, entitled: "RELATING TO TRADE SECRETS";

Senate Bill No. 625 as Act 222, entitled: "RELATING TO AGRICULTURAL LOANS";

Senate Bill No. 659 as Act 223, entitled: "RELATING TO LICENSURE OF HOSPICE CARE PROGRAMS";

Senate Bill No. 691 as Act 224, entitled: "RELATING TO PERMITS FOR STATE SMALL BOAT HARBORS";

Senate Bill No. 753 as Act 225, entitled: "RELATING TO LOBBYING";

Senate Bill No. 754 as Act 226, entitled: "RELATING TO CONTRACTS";

Senate Bill No. 785 as Act 227, entitled: "RELATING TO THE HONOLULU SYMPHONY";

Senate Bill No. 869 as Act 228, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 950 as Act 229, entitled: "RELATING TO THE HAWAII PAROLING AUTHORITY";

Senate Bill No. 959 as Act 230, entitled: "RELATING TO CONSUMER PROTECTION";

Senate Bill No. 963 as Act 231, entitled: "RELATING TO TEMPORARY DENTAL LICENSURE";

Senate Bill No. 964 as Act 232, entitled: "RELATING TO DENTAL HYGIENISTS";

Senate Bill No. 968 as Act 233, entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 970 as Act 234, entitled: "RELATING TO GENERAL ASSISTANCE";

Senate Bill No. 1224 as Act 235, entitled: "RELATING TO SECURITIES";

Senate Bill No. 1229 as Act 236, entitled: "RELATING TO MOTOR VEHICLE REPAIRS";

Senate Bill No. 1241 as Act 237, entitled: "RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR HOUSING";

Senate Bill No. 1294 as Act 238, entitled: "RELATING TO THE HAWAII VISITORS BUREAU";

Senate Bill No. 1376 as Act 239, entitled: "RELATING TO MORTGAGES";

Senate Bill No. 1385 as Act 240, entitled: "RELATING TO PODIATRISTS";

Senate Bill No. 1426 as Act 241, entitled: "RELATING TO TELEPHONE SERVICE";

Senate Bill No. 1428 as Act 242, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 1508 as Act 243, entitled: "RELATING TO WORKERS' COMPENSATION INSURANCE";

Senate Bill No. 1555 as Act 244, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1816 as Act 245, entitled: "RELATING TO THE MEDICAL CLAIMS CONCILIATION PANEL";

Senate Bill No. 1819 as Act 246, entitled: "RELATING TO HEARING AIDS";

Senate Bill No. 1835 as Act 247, entitled: "RELATING TO COUNTY ADMINISTRATORS";

Senate Bill No. 1872 as Act 248, entitled: "RELATING TO ESCROW DEPOSITORIES";

Senate Bill No. 1891 as Act 249, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1898 as Act 250, entitled: "RELATING TO INVESTMENT";

Senate Bill No. 1907 as Act 251, entitled: "RELATING TO THE CRIMINAL INJURIES COMPENSATION ACT";

Senate Bill No. 1912 as Act 252, entitled: "RELATING TO FOREIGN BANKS";

Senate Bill No. 1919 as Act 253, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1947 as Act 254, entitled: "RELATING TO ADMINISTRATIVE REVIEWS BY STATE HEALTH PLANNING AND DEVELOPMENT AGENCY";

Senate Bill No. 1983 as Act 255, entitled: "RELATING TO ROADWORK";

Senate Bill No. 1977 as Act 256, entitled: "RELATING TO THE CIVIL SERVICE EXEMPTION OF THE STUDENT MEMBER ON THE BOARD OF EDUCATION";

House Bill No. 15 as Act 257, entitled: "RELATING TO COMPUTERS";

House Bill No. 54 as Act 258, entitled: "RELATING TO PUBLIC HEALTH";

House Bill No. 80 as Act 259, entitled: "MAKING AN APPROPRIATION FOR VISITOR INDUSTRY EDUCATIONAL AND TRAINING PROGRAMS";

House Bill No. 122 as Act 260, entitled: "RELATING TO RIDESHARING";

House Bill No. 225 as Act 261, entitled: "RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 557 as Act 262, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 658 as Act 263, entitled: "RELATING TO WEAPONS";

House Bill No. 741 as Act 264, entitled: "RELATING TO THE DETERMINATION OF RESIDENCY FOR TUITION PURPOSES";

House Bill No. 886 as Act 265, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 941 as Act 266, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

House Bill No. 1198 as Act 267, entitled: "RELATING TO CONTROL OR ERADICATION PROGRAMS";

House Bill No. 1534 as Act 268, entitled: "RELATING TO CONTRACTORS LICENSE BOARD";

House Bill No. 1637 as Act 269, entitled: "RELATING TO INTEREST AND USURY";

House Bill No. 1680 as Act 270, entitled: "RELATING TO UNIFORM DURABLE POWER OF ATTORNEY ACT";

House Bill No. 1717 as Act 271, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 1747 as Act 272, entitled: "RELATING TO RISK RETENTION GROUPS";

House Bill No. 1824 as Act 273, entitled: "RELATING TO COMPENSATION FOR CRIMINAL INJURIES";

House Bill No. 1860 as Act 274, entitled: "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION";

House Bill No. 1872 as Act 275, entitled: "RELATING TO ENERGY PERFORMANCE CONTRACTING";

House Bill No. 1894 as Act 276, entitled: "RELATING TO THE INSURANCE CODE";

June 9, 1989

Senate Bill No. 833 as Act 277, entitled: "RELATING TO THE HAWAII WORKERS' COMPENSATION STATE FUND";

Senate Bill No. 1465 as Act 278, entitled: "RELATING TO HOUSING";

Senate Bill No. 1966 as Act 279, entitled: "RELATING TO EDUCATIONAL OFFICERS CLASSIFICATION/COMPENSATION APPEALS BOARD";

House Bill No. 241 as Act 280, entitled: "RELATING TO ARBITRATION";

House Bill No. 1445 as Act 281, entitled: "RELATING TO ENVIRONMENTAL PROTECTION";

House Bill No. 1611 as Act 282, entitled: "AMENDING ACT 142, SESSION LAWS OF HAWAII 1988"; and

HOUSE BILL NO. 1905 as Act 283, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED".

Gov. Msg. No. 229 returning House Bill No. 172, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 172

Honorable Members
Fifteenth 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. 172, entitled 'A Bill for an Act Relating to Beverage Container Holding Devices.'

The purpose of this bill is to protect the environment by prohibiting the retail sale of beverage containers connected by any material which will not decompose by photodegradation, chemical degradation, or biodegradation within one hundred twenty days of disposal.

A similar bill, Senate Bill No. 148, was also passed by the Legislature during the Regular Session of 1989. Senate Bill No. 148 deals with plastic connecting devices which connect beverage containers, motor oil containers, or other receptacles of consumer goods. I believe that approval of both bills will lead to ambiguities and inconsistencies which could make administration difficult. Since the broader bill would appear more fully and completely to carry out the Legislature's purpose to protect the environment, I intend to approve Senate Bill No. 148.

For the foregoing reasons, I am returning House Bill No. 172 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. 172, entitled 'A Bill for an Act Relating to Beverage Container Holding Devices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 172 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. 172 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 230 returning House Bill No. 518, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 518

Honorable Members
Fifteenth 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. 518, entitled 'A Bill for an Act Relating to Exceptional or Valuable Trees.'

The purpose of House Bill No. 518 is to amend Section 58-3, Hawaii Revised Statutes, relating to exceptional trees, to expand the definition of 'exceptional trees' to include a tree or stand or grove of trees 'which represents an important community resource.'

Section 58-3, Hawaii Revised Statutes, presently defines 'exceptional trees' to mean 'a tree or stand or grove of trees with historic or cultural value, or which by reasons of its age, rarity, location, size, esthetic quality, or endemic status has been designated by the county arborist advisory committee as worthy of preservation.' The addition of the new wording will make the definition 'inherently vague and broad,' as was pointed out by one of the legislative committees. Consequently, the new wording could be cause for considerable controversy and a considerable increase in the workload of the county arborist advisory committees. Moreover, the expanded

definition of 'exceptional trees' could be interpreted to include nearly every tree in existence and no longer be limited to truly exceptional trees.

For the foregoing reasons, I am returning House Bill No. 518 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. 518, entitled 'A Bill for an Act Relating to Exceptional or Valuable Trees,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House 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 House 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 231 returning House Bill No. 1276, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1276

Honorable Members
Fifteenth 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. 1276, entitled 'A Bill for an Act Relating to Ohana Zoning.'

This bill amends section 46-4(c), Hawaii Revised Statutes, by requiring applicants for ohana dwelling permits to conduct a thorough search for covenants or deed restrictions prohibiting a second dwelling on the lot and to sign a notarized statement that the search had been made and no recorded covenant or deed restriction exists.

Senate Bill No. 1128, which was also passed by the Legislature during the Regular Session of 1989, will amend the same section 46-4(c) to delete the detailed requirements for ohana zoning and to merely authorize the counties to adopt reasonable standards to allow ohana zoning. Since I intend to approve Senate Bill No. 1128, which will give the counties the discretion to decide whether or not ohana zoning will be permitted, it is not necessary to also approve this bill.

For the foregoing reason, I am returning House Bill No. 1276 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. 1276, entitled 'A Bill for an Act Relating to Ohana Zoning,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1276 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. 1276 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 232 returning House Bill No. 1476, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1476

Honorable Members
Fifteenth 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. 1476, entitled 'A Bill for an Act Relating to Tort Actions.'

The purpose of House Bill No. 1476 is to amend chapter 663, Hawaii Revised Statutes, by adding a new section which provides that a person shall not be liable in tort to a parent merely by reason of giving shelter or support to the parent's runaway minor child.

Persons relying on the bill may be lulled into a false sense of security. The bill only provides immunity from tort liability resulting from merely giving shelter or support to a runaway child, but it is difficult to understand how tort liability will result from the mere giving of shelter or support. At the same time, the bill does not abrogate liability for intentional or negligent harm to the child. Persons who render support or shelter in reliance on this bill may nonetheless find themselves embroiled in suits based on the reasonableness or level of care provided.

Moreover, the immunity provided by the bill is not available to persons who have induced the minor not to return to the parent. Although the bill imposes no requirement for notifying the parent of the runaway child's whereabouts, serious concern is raised as to whether a person who shelters or supports a runaway child without notifying the parent may be said to have induced the child not to return to the parents. Furthermore, since the bill does not affect the liability of a person who acts in negligent disregard of the child's reasonable best interest, a further concern is whether such a person may have acted in negligent disregard of the child's reasonable best interests in not notifying the parent.

For the foregoing reasons, I am returning House Bill No. 1476 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. 1476, entitled 'A Bill for an Act Relating to Tort Actions,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1476 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. 1476 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 233 returning Senate Bill No. 449, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 449

Honorable Members
Fifteenth 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. 449, entitled 'A Bill for an Act Relating to Energy.'

The purpose of Senate Bill No. 449 is to increase the principal amount of special purpose revenue bonds authorized to be issued to assist Mauna Kea Power Company in the construction and operation of a hydroelectric power plant on the Honolii Stream in Hawaii County from \$15,000,000 to \$20,000,000. While I do not disagree with the purpose of this bill, it appears, as hereinafter discussed, that this bill does not meet certain constitutional requirements.

An authorization to issue bonds has been considered to include an implied appropriation. Consequently, this bill contains an implied appropriation of \$5,000,000.

Section 9 or Article VII of the Constitution of the State of Hawaii provides that: 'no appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the governor.' The general appropriations bill, House Bill No. 205, was transmitted to me on April 26, 1989. Senate Bill No. 449 passed on final reading on April 3, 1989. Since Senate Bill No. 449 does not meet either of the exceptions for passage before the general appropriations bill, it appears that this bill does not comply with the order of passage requirement of Section 9 of Article VII of the Constitution of the State of Hawaii and cannot validly become law.

For the foregoing reason, I am returning Senate Bill No. 449 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. 449, entitled 'A Bill for an Act Relating to Energy,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 449 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. 449 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 234 returning Senate Bill No. 538, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 538

Honorable Members
Fifteenth 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. 538, entitled 'A Bill for an Act Relating to Agricultural Loans.'

The purpose of Senate Bill No. 538 is to amend section 155-8, Hawaii Revised Statutes, to change the interest rate of class 'F' loans to six percent a year.

However, House Bill No. 958, which was also passed by the Legislature during the Regular Session of 1989, will also amend the same section 155-8 to change the interest rate on class 'F' loans to six percent a year. Because I intend to approve House Bill No. 958, there is no need to also approve Senate Bill No. 538.

For the foregoing reason, I am returning Senate Bill No. 538 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. 538, entitled 'A Bill for an Act Relating to Agricultural Loans,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 538 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. 538 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 235 returning Senate Bill No. 846 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 13, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 846

Honorable Members
Fifteenth 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. 846, entitled 'A Bill for an Act Relating to the Rights of Students to Freedom of Expression.'

The purpose of Senate Bill No. 846 is to affirm that the rights of students under the constitutions of the United States and Hawaii to express themselves freely in the public school are not to be abridged. Although the bill literally seems to serve only as a reminder that public school students have constitutionally protected rights, the accompanying committee reports suggest that these rights are to be broader than the rights which the United States Supreme Court has construed the federal constitution to require in *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988). There, the United States Supreme Court concluded that high school students' right to free expression was not so unfettered as to preclude school officials from controlling the content of student publications in order to ensure an environment conducive to learning.

While I have no trouble agreeing that students have constitutionally protected rights of free expression, I am not certain that the bill is precise enough to determine whether its provisions should be implemented with or without deference to the United States Supreme Court's decision in *Hazelwood*. Under these circumstances, because I am confident that existing Department of Education policies sufficiently protect students' right of expression, I believe school officials should be given the benefit of the *Hazelwood* decision.

For the foregoing reason, I am returning Senate Bill No. 846 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 846, entitled 'A Bill for an Act Relating to the Rights of Students to Freedom of Expression,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 846 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. 846 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 13th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 236 informing the House that on June 13, 1989, he signed the following bills into law:

Senate Bill No. 636 as Act 284, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 370 as Act 285, entitled: "RELATING TO CONDOMINIUM MANAGEMENT RECOVERY AND EDUCATION FUNDS";

Senate Bill No. 527 as Act 286, entitled: "RELATING TO EDUCATION";

Senate Bill No. 544 as Act 287, entitled: "RELATING TO THE HIGHWAY SPECIAL FUND";

Senate Bill No. 556 as Act 288, entitled: "RELATING TO PARTNERSHIPS";

Senate Bill No. 740 as Act 289, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 750 as Act 290, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

Senate Bill No. 757 as Act 291, entitled: "RELATING TO STATUTE OF LIMITATIONS FOR THE STATE ETHICS COMMISSION";

Senate Bill No. 1005 as Act 292, entitled: "RELATING TO MOTOR AND OTHER VEHICLES";

Senate Bill No. 1197 as Act 293, entitled: "RELATING TO ANABOLIC STEROIDS";

Senate Bill No. 1360 as Act 294, entitled: "RELATING TO HOUSING";

Senate Bill No. 1433 as Act 295, entitled: "RELATING TO THE HEARING IMPAIRED";

Senate Bill No. 1851 as Act 296, entitled: "RELATING TO DRIVER LICENSING";

Senate Bill No. 1874 as Act 297, entitled: "RELATING TO CONDOMINIUM MANAGEMENT";

Senate Bill No. 1859 as Act 298, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 2038 as Act 299, entitled: "RELATING TO BONDING OF MOTOR VEHICLE INDUSTRY LICENSEES";

House Bill No. 231 as Act 300, entitled: "RELATING TO TORT REFORM";

House Bill No. 435 as Act 301, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 583 as Act 302, entitled: "RELATING TO MEDICAL PEER REVIEW";

House Bill No. 646 as Act 303, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

House Bill No. 662 as Act 304, entitled: "RELATING TO FAMILY LAW";

House Bill No. 1378 as Act 305, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1535 as Act 306, entitled: "RELATING TO CONTRACTORS";

House Bill No. 1575 as Act 307, entitled: "RELATING TO INCOME TAX CREDITS FOR ENERGY CONSERVATION";

House Bill No. 1695 as Act 308, entitled: "RELATING TO CHILD SUPPORT";

House Bill No. 1842 as Act 309, entitled: "RELATING TO STATE SPECIAL FUNDS";

House Bill No. 1912 as Act 310, entitled: "RELATING TO THE LIBRARIES OF THE UNIVERSITY OF HAWAII";

House Bill No. 1920 as Act 311, entitled: "RELATING TO VEHICLE WEIGHT";

Senate Bill No. 148 as Act 312, entitled: "RELATING TO NONDEGRADABLE SOLID WASTE"; and

Senate Bill No. 1128 as Act 313, entitled: "RELATING TO OHANA ZONING".

Gov. Msg. No. 237 returning House Bill No. 9 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 15, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 9

Honorable Members
Fifteenth 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. 9, entitled 'A Bill for an Act Relating to Economic Development.'

The purpose of this bill is to establish the Hawaii Strategic Development Corporation to encourage economic development and diversification in Hawaii through innovative actions in partnership with private enterprises. The corporation will be established as an instrumentality and an agency of the State that will have the authority to coinvest public funds in private organizations and to use public funds to reduce the risks of private investments. The corporation will have the flexibility to provide a variety of types of financial assistance, including the guarantee of loans, letters of credit, revenue bonds, and other instruments of indebtedness.

I strongly support the encouragement of economic development and diversification in Hawaii through innovative actions in partnership with private enterprises, including the provision of venture capital. Unfortunately, I have been informed that this bill is defective and can not be implemented.

In its final form, language was inadvertently deleted between pages 12 and 13 of House Bill No. 9. Because of this omission, sections 6, 7, and 8 of the new chapter to be added to the Hawaii Revised Statutes are missing entirely and sections 5 and 9 are incomplete. Since it is impossible to ascertain whether the remainder of this bill could stand alone and be effectuated in accordance with the legislative intent in the absence of these provisions, the existing portions of this bill cannot properly be severed from the missing or incomplete text.

In addition, one of the missing sections in the new chapter apparently would have established a revolving fund to be known as the 'Hawaii strategic development revolving fund.' Section 5 of this bill will appropriate \$6,000,000 for fiscal year 1989-1990 'to be paid into the Hawaii strategic development revolving fund.' Because there is no such revolving fund, the appropriation could not be expended by the corporation to provide the investments and financial assistance that the corporation is intended to provide.

Furthermore, under Section 13(8) of Article VII of the State Constitution, the option given to the Hawaii Strategic Development Corporation to guarantee instruments of indebtedness is a contingent liability that impacts the State's debt limit when such guarantees are issued. Such a contingent liability that impacts the State's debt limit must be considered in the findings required by Section 13 of Article VII of the Constitution, which states:

Effective July 1, 1980, the legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

Senate Bill No. 408, entitled 'A Bill for an Act Relating to State Bonds,' contains a declaration of findings as required by Section 13 of Article VII. However, the declaration of findings in Senate Bill No. 408 did not include consideration of the contingent liability that could be created by the guarantees made by the Hawaii

Strategic Development Corporation to be established by House Bill No. 9, which guarantees will become 'bonds,' as defined by Section 12(1) of Article VII of the State Constitution, that are authorized but unissued if House Bill No. 9 were to become law. Consequently, enactment of House Bill No. 9 will invalidate the declaration of findings in Senate Bill No. 408 and will place into question the validity of all of the general obligation bonds authorized.

For the foregoing reasons, I am returning House Bill No. 9 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. 9, entitled 'A Bill for an Act Relating to Economic Development,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 9 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. 9 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 15th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 238 returning Senate Bill No. 1464 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 15, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1464

Honorable Members
Fifteenth 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. 1464, entitled 'A Bill for an Act Relating to the Legislative Auditor.'

The purpose of Senate Bill No. 1464 is to compel the agencies which are the subject of audits or studies conducted by the Legislative Auditor to respond to any recommendations which the Auditor may make. The response is required to describe the actions taken to implement each recommendation or, if a recommendation is not implemented, the reasons for not implementing the recommendation.

This measure's committee reports indicate that it is prompted by concern that state agencies are not sufficiently motivated to respond to the recommendations which result from the Auditor's review, audit, examination or reports of their programs, operations, and fiscal transactions. From my perspective, the Auditor's reports and recommendations are inherently capable of eliciting responses from the agencies which have been the subject of the Auditor's scrutiny. Recommendations have been implemented without further ceremony; others have been studied and adjusted before implementation; and still others have been noted but not implemented. After all, they are recommendations only.

This process seems to have served well thus far. There seems little to be gained from formalizing a process which already exists. When the Legislature has disagreed with an agency's response to the Auditor's recommendations, it has pursued the matter further.

For the foregoing reasons, I am returning Senate Bill No. 1464 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. 1464, entitled 'A Bill for an Act Relating to the Legislative Auditor,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1464 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. 1464 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 15th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 239 returning House Bill No. 112 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 112

Honorable Members
Fifteenth 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. 112, entitled 'A Bill for an Act Relating to Duplicate Keys.'

The purpose of House Bill No. 112 is to require an owner's permission before a duplicate key is made or possessed, or before an inscription saying 'do not duplicate' is removed from the key.

While the intent behind the bill is a good one, that is, restricting the availability of duplicate keys so that they cannot be used to commit burglaries, a number of questions would arise should the bill become law. The bill does not specify what would be needed to prove that someone is a legitimate owner of the lock that the key operates. The bill does not also specify who the owner is in certain instances, for example, a car purchased by means of a loan. Is the owner the registered owner, legal owner, or both? These matters would be daily occurrences which are not clarified within the bill.

For the foregoing reasons, I am returning House Bill No. 112 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. 112, entitled 'A Bill for an Act Relating to Duplicate Keys,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 112 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. 112 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 240 returning House Bill No. 160 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 160

Honorable Members
Fifteenth 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. 160, entitled 'A Bill for an Act Relating to Environmental Assessments.'

The purposes of House Bill No. 160 are to amend Section 343-2, Hawaii Revised Statutes, by including proposed agency plans in the definition of actions that may require an environmental assessment and to amend Section 343-5, Hawaii Revised Statutes, to require an environmental assessment for any proposed use within any special management area.

The inclusion of proposed agency plans in the definition of actions that may require an environmental assessment substantially increases the number of environmental assessments to be done by the agencies. These assessments will increase the administrative costs of the agencies and will place an additional burden on and delay in the preparation of agency plans that have minimal or no environmental effect.

This bill would also impose the requirement for an environmental assessment under Chapter 343, Hawaii Revised Statutes, for any proposed use within a special management area. Presently the counties are authorized, pursuant to Chapter 205A, Hawaii Revised Statutes, to establish procedures for reviewing special management area use permit applications. This bill imposes upon the counties the requirement for an environmental assessment as part of the review procedure. Preparation of the environmental assessment will delay review of special management area use permit applications and will include assessments which are not relevant to special management areas. The counties have expressed to me their desire to retain their discretion in this area, and I agree with them.

For the foregoing reasons, I am returning House Bill No. 160 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. 160, entitled 'A Bill for an Act Relating to Environmental Assessments,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 160 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. 160 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 241 returning House Bill No. 212 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 212

Honorable Members
Fifteenth 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. 212, entitled 'A Bill for an Act Relating to Fishing Regulations.'

The purpose of House Bill No. 212 is to strengthen the prohibition against the fishing or taking of opelu with fish or animal bait except with hook and line within certain waters off the coast of South Kona, island of Hawaii, by making the presence of any fish or animal bait in any fishing boat with lift net aboard within those waters a per se violation of law.

Although the purpose of this bill has merit, the wording of this bill will create undo hardship on those persons who do not fish within those waters but who must pass through those waters to reach unrestricted areas in which fishing with fish or animal bait and lift nets is permitted. I believe that this result was not intended by the Legislature.

For the foregoing reasons, I am returning House Bill No. 212 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 212, entitled 'A Bill for an Act Relating to Fishing Regulations,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 212 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. 212 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 242 returning House Bill No. 434 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 434

Honorable Members
Fifteenth 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. 434, entitled 'A Bill for an Act Relating to Coral.'

The purpose of House Bill No. 434 is to ban the sale of any stony coral of the taxonomic order Madreporaria, after July 1, 1990.

Section 188-68, Hawaii Revised Statutes, presently prohibits the taking of live stony coral of the taxonomic order Madreporaria, except with a permit issued by the Department of Land and Natural Resources. This bill will absolutely prohibit the sale after July 1, 1990, of any stony coral of that taxonomic order 'for any reason.'

The major problem with this bill is that by prohibiting the 'sale' or 'offer' to sell the designated coral type, it essentially eliminates the possibility of importing such coral from other nations or states. It appears that the intent of this bill was to prevent the depletion of this type of coral from the Hawaiian Islands, but the effect of the bill is to prevent the use of such coral in Hawaii, two entirely different things.

In addition to this major defect in House Bill No. 434, it is my understanding the prohibition in this bill will result in considerable hardship to certain farmers who use stony coral as a soil conditioner and to businesses that have stockpiles of stony coral imported from foreign countries

for the manufacture and sale of coral jewelry. Furthermore, the State Department of Transportation sells or arranges for the sale of coral removed during the construction and maintenance of harbors and there presently is a large stockpile of coral removed during the construction of the Barbers Point Harbor that is being periodically sold for various uses.

While the apparent intent of House Bill 434 is clearly a good one, the actual effect of its operation would create considerable economic harm.

For the foregoing reasons, I am returning House Bill No. 434 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 434, entitled 'A Bill for an Act Relating to Coral,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 434 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. 434 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 243 returning House Bill No. 475 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 475

Honorable Members
Fifteenth 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. 475, entitled 'A Bill for an Act Relating to Disaster Relief.'

House Bill No. 475 amends section 209-29, Hawaii Revised Statutes, on eligibility for disaster relief loans, by adding a new subsection providing that lead contamination of water catchment system constitutes a state disaster, and providing that owners or lessees of buildings with water catchment systems certified by the Department of Health as containing lead are entitled to a personal loan of up to \$5,000 for a replacement system.

House Bill No. 475 also amends Section 209-30, Hawaii Revised Statutes, by increasing the amount available under the State's disaster relief program for personal loans from \$5,000 to \$15,000 and for commercial loans from \$25,000 to \$50,000.

In its original form, House Bill No. 475 only included the provision increasing the personal and commercial loan amounts under the State's disaster relief program. This was certainly needed, as the current amounts had been set in 1961 and unchanged since that time. It is clear that additional state loans should be made available to any citizen or business, who have the misfortune of being victims of a disaster, and the increase in those amounts to \$25,000 for personal loans and \$50,000 for commercial loans seemed reasonable.

However, the Senate amendments to House Bill No. 475 added a provision regarding water catchment systems. This provision attempted to pre-determine lead contamination in water catchment systems as a state disaster. In doing so, however, the amendment failed to provide any lead contamination levels, and further failed to even indicate whether the catchment system was used for human consumption. Thus, under the amendment any discernible amount of lead in a water catchment system would entitle the owner to a disaster loan, and this could include any discernible level in a system used for irrigation or livestock.

This was never the intent of the State's disaster relief program. Unfortunately, this amendment makes the entire bill unacceptable, even the much-needed loan increases provided for in the original bill.

For the foregoing reasons, I am returning House Bill No. 475 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 475, entitled 'A Bill for an Act Relating to Disaster Relief,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 475 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. 475 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 244 returning House Bill No. 604 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 604

Honorable Members
Fifteenth 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. 604, entitled 'A Bill for an Act Relating to Health Care.'

The purpose of this bill is to appropriate \$3,000,000 of state funds to provide \$2,800,000 to the Department of Human Services to subsidize medicaid institutional providers beyond the federally allowed medicaid reimbursement limits and to provide \$200,000 to the Office of Legislative Auditor for a fiscal audit of the medicaid institutional providers to determine the differences between the actual costs and rates of payment for certain items.

However, that part of the appropriation intended to be used to subsidize medicaid institutional providers beyond the federally allowed medicaid reimbursement limits is a grant of subsidy subject to the requirement of Chapter 42, Hawaii Revised Statutes. It is my understanding that the \$2,800,000 grant or subsidy was not made in accordance with the requirements of Chapter 42.

Furthermore, even if this bill did meet the requirements of Chapter 42, providing additional reimbursement to the medicaid institutional providers could potentially jeopardize federal contributions to the State's medicaid reimbursement system.

For the foregoing reasons, I am returning House Bill No. 604 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. 604, entitled 'A Bill for an Act Relating to Health Care,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 604 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. 604 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 245 returning House Bill No. 1156 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1156

Honorable Members
Fifteenth 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. 1156, entitled 'A Bill for an Act Relating to a Capitol Tour and Information Service Program.'

The purposes of House Bill No. 1156 are to establish a pilot State Capitol tours and information services program to be administered by the Governor's Office of Information, to establish an interim committee to determine the scope and effectiveness of the program, and to appropriate funds to establish and maintain the program.

While a Capitol tours and information services program has merit, the establishment of the pilot program and an interim committee to evaluate the program at this time is inappropriate. The State Capitol will be closed to the public for renovations and asbestos removal between July 1990 and December 1992. Therefore, no tours of the State Capitol can be given during fiscal year 1990, the second year of the proposed pilot project. Expending funds to establish a two-year program which can function for only one year does not serve the public interest.

The Office of Information will be able to plan for the establishment of a Capitol tours and information services program. The planning for the establishment of such a future program does not require the enactment of this bill.

For the foregoing reasons, I am returning House Bill No. 1156 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. 1156, entitled 'A Bill for an Act Relating to a Capitol Tour and Information Service Program,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1156 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. 1156 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 246 returning House Bill No. 1685 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1685

Honorable Members
Fifteenth 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. 1685, entitled 'A Bill for an Act Relating to Environmental Impact Statements.'

The purposes of this bill are to provide a means for an aggrieved person to petition an agency for reconsideration of a determination by the agency that an environmental impact statement (EIS) is or is not required and to deem the Office of Environmental Quality Control to be an aggrieved party for the purpose of bringing judicial action regarding acceptance of an EIS.

This bill amends Section 343-5, Hawaii Revised Statutes, to create a process whereby 'any person aggrieved by the determination' may appeal agency determinations regarding whether an EIS is or is not required. The process provides that aggrieved persons may submit, in conjunction with their petition for

reconsideration, evidence to the agency for its consideration.

While this bill seems to be well-intended, it is defective in several respects. First, it is unclear whether the 'reconsideration' allowed under the bill is only on the record of the prior proceedings, or completely 'de novo.' If the latter, this bill will have the probable impact of effectively doubling the entire process. Further, if this is a 'de novo' reconsideration, there would be an incentive for persons to withhold information from the original consideration, and submit it only if the decision is adverse to their position.

Second, the bill is silent with respect to notice to interested parties upon a petition for reconsideration by an aggrieved party. Further, there appears to be no process by which these interested parties can rebut the 'supporting evidence' to be introduced by the aggrieved party.

Third, there are monumental practical as well as legal problems involved in making the Office of Environmental Quality Control an 'aggrieved' party for bringing judicial actions on petitions.

In addition to these specific problems with the bill, the basic concept of permitting any person to trigger a mandatory reconsideration on an EIS determination could have far-reaching ramifications for the entire economy of this State that must be considered. I agree that all possible methods to improve the EIS process must be explored, but it must be done on a system-wide basis, not in a piecemeal fashion, so that both the rights of all parties and the impact on the State as a whole can be reviewed.

For the foregoing reason, I am returning House Bill No. 1685 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. 1685, entitled 'A Bill for an Act Relating to Environmental Impact Statements,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1685 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. 1685 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 247 returning Senate Bill No. 90 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 90

Honorable Members
Fifteenth 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. 90, entitled 'A Bill for an Act Relating to Reclamation of Lands.'

The purpose of Senate Bill No. 90 is to repeal Chapter 173, Hawaii Revised Statutes, which provides for the issuance of revenue bonds for the purpose of reclaiming submerged lands and providing access thereto. The repeal of Chapter 173 was proposed because the chapter had not been utilized and because it appeared to be a duplication of Sections 171-53 and 171-60, Hawaii Revised Statutes.

In the past, the State has not utilized Chapter 173 because the private sector has been willing to fund reclamation projects under Section 171-53 or 171-60. However, the reclamation of submerged lands through private reclamation projects under Section 171-53 or 171-60 does not preclude the State from undertaking in the future the reclamation and development of other submerged lands through the issuance of revenue bonds under Chapter 173. Therefore, I believe that Chapter 173 still presents a viable avenue for the State to reclaim and develop its own submerged lands as foreseen by the Legislature thirty-two years ago.

For the foregoing reasons, I am returning Senate Bill No. 90 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 90, entitled 'A Bill for an Act Relating to Reclamation of Lands,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 90 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. 90 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 248 returning Senate Bill No. 99 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 99

Honorable Members
Fifteenth 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. 99, entitled 'A Bill for an Act Relating to Health.'

The purposes of this bill are to establish within the Department of Health a Hawaii health registry to be administered in conjunction with the Hawaii tumor registry and other health registries, to collect data on morbidity and mortality in Hawaii, with special emphasis on environmentally related health risks, and to repeal Section 322-5, Hawaii Revised Statutes, which authorizes the Department of Health to enlist the help of prisoners in the removal of nuisances and causes of sickness.

Existing programs administered by the Epidemiology Branch and Research and Statistics Office of the Department of Health fulfill essentially the same function as that proposed by the bill for the establishment of a Hawaii health registry. Section 338-2 of the Hawaii Revised Statutes already provides the needed authority for the Department of Health to establish a Hawaii health registry. To this extent, the passage of Senate Bill No. 99 is not necessary.

For the foregoing reasons, I am returning Senate Bill No. 99 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 99, entitled 'A Bill for an Act Relating to Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 99 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. 99 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 249 returning Senate Bill No. 269 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 269

Honorable Members
Fifteenth 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. 269, entitled 'A Bill for an Act Relating to Deceptive Trade Practices.'

The purpose of Senate Bill No. 269 is to add to the list of deceptive trade practices in Section 481A-3, Hawaii Revised Statutes, the representation that the amount of tax due pursuant to Chapter 237 or Chapter 237D, Hawaii Revised Statutes, is in excess of the amount of tax payable by the person.

Chapter 237 is the General Excise Tax Law, which imposes a tax on the privilege of doing business. The tax is imposed on the gross income or gross receipts of the business, with the most commonly known rate being the four percent tax imposed on the gross income of businesses engaged in retail sales and services.

Chapter 237D is the Transient Accommodations Tax Law, commonly referred to as the hotel room tax. This tax is imposed on the gross receipts received from furnishing transient accommodations, such as the hotel room rental charge. The tax is levied at the rate of five percent of the gross rental proceeds derived from furnishing transient accommodations.

I support the intent of this bill, to prevent a person from deceptively inflating prices or charges.

However, I believe that this bill will cause confusion over the amount of tax that the State imposes and on who the tax is imposed. The general excise tax and the transient accommodations tax are imposed on the gross

receipts of the businesses, not on the customers of those businesses. The general excise tax on retail sales and services is four percent and the transient accommodations tax is five percent. I believe that this bill may cause the average consumer to believe that the State has imposed these taxes directly on them.

For the foregoing reasons, I am returning Senate Bill No. 269 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. 269 entitled 'A Bill for an Act Relating to Deceptive Trade Practices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 269 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. 269 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 250 returning Senate Bill No. 676 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 676

Honorable Members
Fifteenth 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. 676, entitled 'A Bill for an Act Relating to In-Service Training.'

The purpose of Senate Bill No. 676 is (1) to clarify that the Director of Personnel Services, State of Hawaii, may use the services of institutions, organizations, or individuals to provide in-service training for civil service

employees and (2) to establish a new advisory committee on training.

Section 1 of the bill amends Section 81-1, Hawaii Revised Statutes, by changing 'government employees' to read 'state civil service employees.' As a result, it is unclear whether the Director of Personnel Services now must provide training solely for civil service employees and not for civil service exempt employees in the Executive Branch. Arguably, these services may still be provided, based on the general powers of the Director.

Nevertheless, Senate Bill No. 676 is still ambiguous and could be interpreted to mean that the Director is no longer authorized to provide in-service training to civil service exempt employees. Such an interpretation would be greatly detrimental to ongoing and planned in-service training programs intended to include civil service exempt employees. The possibility of such a detrimental interpretation should not be risked.

For the foregoing reasons, I am returning Senate Bill No. 676 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 676, entitled 'A Bill for an Act Relating to In-Service Training,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 676 is unacceptable to the Governor of the State of Hawaii for the reasons stated in the Statement of Objectives to Senate Bill No. 676;

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. 676 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 251 returning Senate Bill No. 816 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS

TO SENATE BILL NO. 816

Honorable Members
Fifteenth 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. 816, entitled 'A Bill for an Act Relating to Use Tax Overpayment.'

The stated purpose of this bill is to remove the three-year limitation period for taxpayers claiming refunds of use taxes paid to the State, where the use tax liability was upon, and paid by, another taxpayer.

This bill contains numerous defects in both form and substance.

1. Title. The primary statutory amendment is the insertion of an exception to the three-year limitation period specified in section 237-40(d), Hawaii Revised Statutes. That section is in Chapter 237, titled 'General Excise Tax Law,' and is not in Chapter 238, titled 'Use Tax Law,' of the Hawaii Revised Statutes, although section 237-40 is referred to in Chapter 238. The effect of this bill is to amend both the general excise tax law and the use tax law to remove the three-year limitation period for claiming refunds. The removal of the limitation period with respect to general excise taxes is clearly not expressed in the title 'Relating to Use Tax Overpayment,' and appears to be in violation of section 14 of Article III of the State Constitution, which requires that '[e]ach law shall embrace but one subject, which shall be expressed in its title.'
2. Open Limitation Period. The open limitation period provided for in this bill will subject the State to an unknown number of claims.
3. Payment of Interest. This bill is silent regarding the question of whether interest must be paid on claimed amounts, and thus by operation of law interest would be recoverable. This could also subject the State to millions of dollars of unknown claims.

For the foregoing reasons, I am returning Senate Bill No. 816 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 816, entitled 'A Bill for an Act Relating to Use Tax Overpayment,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 816 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. 816 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 252 returning Senate Bill No. 828 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 828

Honorable Members
Fifteenth 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. 828, entitled 'A Bill for an Act Relating to Birth Defects.'

The purpose of this bill is to add a new part to chapter 321, Hawaii Revised Statutes, to establish within the Department of Health a statewide Hawaii birth defects monitoring program.

Presently, Hawaii Revised Statutes Sections 321-31 and 338-2 in conjunction provide the needed statutory authority for the Department of Health to administer a birth defects monitoring program and to collect statistical data on birth defects. The Family Health Services Division of the Department of Health has in fact undertaken a birth defects monitoring project by utilizing the general enabling statute, Section 321-31 of the Hawaii Revised Statutes. Accordingly, at this point in time, a need for specific statutory provisions on birth defects monitoring has not been demonstrated.

For the foregoing reasons, I am returning Senate Bill No. 828 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. 828, entitled 'A Bill for an Act Relating to Birth Defects,' passed by the Legislature,

was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 828 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. 828 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 253 returning Senate Bill No. 1401 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1401

Honorable Members
Fifteenth 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. 1401, entitled 'A Bill for an Act Relating to Protection Against Spousal Impoverishment.'

The purpose of this bill is to allow spouses of institutionalized medicaid recipients to retain at least \$60,000 in assets and \$1,500 in income without jeopardizing their spouse's medicaid eligibility.

This bill is unnecessary because medicaid eligibility standards are established by the State through administrative rules. The State is bound to follow the federal law in establishing medicaid eligibility and the federal law changes frequently. By retaining the eligibility standards in the administrative rules process, the State maintains the necessary flexibility for conforming its standards to federal changes. The rules can be amended much easier and quicker than statutes can be amended.

For the foregoing reasons, I am returning Senate Bill No. 1401 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. 1401, entitled 'A Bill for an Act Relating to Protection Against Spousal Impoverishment,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1401 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. 1401 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 254 returning Senate Bill No. 1430 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1430

Honorable Members
Fifteenth 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. 1430, entitled 'A Bill for an Act Relating to Fishing with Drift Gill Nets.'

The purpose of Senate Bill No. 1430 is to ban the use of drift gill nets within the 200 mile exclusive economic zone (EEZ) surrounding Hawaii. This bill will impose a \$50,000 fine for the possession and \$250,000 fine for the use of drift gill nets in the 200 mile EEZ surrounding Hawaii. Any ship on which a violation occurs will be barred from using State Harbor facilities or from fishing within 200 miles of the Hawaiian Islands for five years.

Although, as pointed out in one of the legislative committee reports, this bill attempts to carry out a policy of the State to assert the interests of this State as a partner with federal agencies in the sound management of the ocean resources within the United States exclusive economic zone, the actual wording of the bill appears to be in conflict with federal law. The Magnuson Fishery Conservation and Management Act (16 U.S.C. §§ 1801-1882), commonly referred to as the 'Magnuson Act,' specifically prohibits a State from regulating any fishing vessel outside its boundaries, 'unless the vessel is registered under the law of that State' (16 U.S.C. § 1856(a)(3)).

However, the State's jurisdiction over vessels registered under Hawaii law must still be consistent with the federal

law and regulation. Under the federal regulations implementing the Magnuson Act, fishing with drift gill nets is already prohibited (50 C.F.R. § 685.21), but there is an important exception -- 'where authorized by an experimental fishing permit issued under' the federal regulations. No similar exception is provided for in this bill. Literally, this bill prohibits the use or possession of drift gill nets without limitation to vessels registered under Hawaii law and without exception for federal experiments.

Furthermore, the five-year penalty barring any ship from using Hawaii harbor facilities or fishing in waters 200 miles from Hawaii's shores may also impermissibly burden interstate commerce and thus violate the Commerce Clause.

For the foregoing reasons, I am returning Senate Bill No. 1430 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 1430, entitled 'A Bill for an Act Relating to Fishing with Drift Gill Nets,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1430 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. 1430 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 255 returning Senate Bill No. 1297 without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 16, 1989

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1297

Honorable Members
Fifteenth 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. 1297, entitled 'A Bill for an Act Relating to Tourism.'

The purposes of Senate Bill No. 1297 are to establish the Office of Tourism within the Department of Business and Economic Development for administrative purposes and to establish a seven-member Hawaii Tourism Commission within the Department of Business and Economic Development.

The objective of this bill is to give tourism a stronger position and a higher profile in state government. I agree that tourism historically has not been given the priority it clearly deserves from state government, and that this must be changed. The types of changes envisioned by this bill appear to be in the right direction. However, these changes are quite dramatic and will have both short-term and long-term impacts on the tourism industry and on our State as a whole. Because of this, the conference committee on this bill apparently intended this bill to take effect on July 1, 1990. Unfortunately, however, the final version of this bill would implement these massive changes on July 1, 1989. This, clearly, is not feasible in light of the magnitude of the changes involved.

However, I have already begun to move in the direction intended by this bill, although in different ways.

In April 1989, I approved a departmental reorganization of the Department of Business and Economic Development which will provide a clearer definition of purpose, focus, and integration with other economic development programs. The staff of the Tourism Branch has been increased from three to twelve persons and will have a clearer mission to focus on such programs as cultural tourism, tourism impact, and the convention center. In addition, the office has been physically relocated to more prestigious and dignified surroundings which give it a heightened profile in the industry.

As a result of these recent developments, the Tourism Branch is now structured to account for the uniqueness of each of its special services or programs, and has increased its capability to function as the central agency for tourism by focusing on strategic planning and marketing, increased management of the Hawaii Visitors Bureau and other contractors, monitoring tourism impacts, developing cultural tourism, and thus providing a comprehensive approach to tourism planning and development.

These types of improvements are only a beginning. Because of my continued concern, I believe more can, and should, be done to transpose the Department of Business and Economic Development into a department equally committed to tourism and other business development. In this regard, it is my intention to work with the Legislature, the tourism industry, and members of the public to review all current tourism programs and to continue to elevate the role of tourism in state government.

For the foregoing reason, I am returning Senate Bill No. 1297 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

"PROCLAMATION

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. 1297, entitled 'A Bill for an Act Relating to Tourism,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1297 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. 1297 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 16th day of June, 1989.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 256 informing the House that he signed the following bills into law on the dates indicated:

June 13, 1989

Senate Bill No. 1734 as Act 314, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECTS";

House Bill No. 189 as Act 315, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 205 as Act 316, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 958 as Act 317, entitled: "RELATING TO FARM LOANS";

House Bill No. 1231 as Act 318, entitled: "RELATING TO CASE MANAGEMENT COORDINATION PROGRAM";

House Bill No. 1420 as Act 319, entitled: "RELATING TO EXPORT OF AQUARIUM FISH"; and

House Bill No. 1838 as Act 320, entitled: "RELATING TO HIGHWAY SAFETY".

June 14, 1989

House Bill No. 1917 as Act 321, entitled: "RELATING TO INCOME TAXATION";

Senate Bill No. 42 as Act 322, entitled: "RELATING TO INCOME TAX"; and

Senate Bill No. 245 as Act 323, entitled: "RELATING TO TAX CREDITS".

June 15, 1989

House Bill No. 32 as Act 324, entitled: "RELATING TO HISTORIC PRESERVATION";

House Bill No. 239 as Act 325, entitled: "RELATING TO CRIMINAL DATA";

House Bill No. 737 as Act 326, entitled: "RELATING TO MOTOR VEHICLE SAFETY INSPECTIONS";

House Bill No. 1845 as Act 327, entitled: "RELATING TO DIVISION OF COMMUNITY HOSPITALS";

House Bill No. 1853 as Act 328, entitled: "RELATING TO SHORTAGE CATEGORY CLASSES FOR PUBLIC EMPLOYEES";

House Bill No. 1854 as Act 329, entitled: "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1382 as Act 330, entitled: "RELATING TO SCHOOL AIR CONDITIONING";

Senate Bill No. 832 as Act 331, entitled: "RELATING TO APPROPRIATIONS";

Senate Bill No. 1800 as Act 332, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL";

House Bill No. 1549 as Act 333, entitled: "RELATING TO THE WAIKIKI CONVENTION CENTER AUTHORITY"; and

House Bill No. 1358 as Act 334, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND".

Gov. Msg. No. 257 transmitting copies of the Criminal Injuries Compensation Commission's Annual Report for 1988, prepared pursuant to Chapter 351, Hawaii Revised Statutes.

Gov. Msg. No. 258 transmitting copies of a report produced by the Hawaii Criminal Justice Data Center, entitled, "**The Felony Offender and the Criminal Justice System, Case Processing.**"

Gov. Msg. No. 259 transmitting copies of Addendum No. 2 to the report prepared by Pacific Management and Consulting Inc., in response to House Concurrent Resolution No. 369, HD 1, requesting the development of an action plan to assist the Moloaa papaya farmers.

Gov. Msg. No. 260 transmitting copies of the 1988 Annual Report, prepared by the Department of Corrections, pursuant to Section 353, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 261 transmitting copies of the report, Crisis and Opportunity: Aviation Maintenance Technology in Hawaii, prepared by the Hawaii State Commission on Employment and Human Resources and the State Council on Vocational Education, pursuant to Chapter 202, Hawaii Revised Statutes, and the Carl Perkins Act of 1984.

Gov. Msg. No. 262 transmitting copies of the 1988 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 263 transmitting copies of the State Employee Ownership and Participation Advisory Committee's Annual Report, pursuant to Section 213E-12, Hawaii Revised Statutes.

Gov. Msg. No. 264 transmitting copies of an Interim Report of the Tax Review Commission dated April 19, 1989.

Gov. Msg. No. 265 transmitting copies of a report prepared by the Department of Transportation, in accordance with Act 397(88), entitled: "**Hawaii State Helicopter System Plan.**"

Gov. Msg. No. 266 transmitting copies of the 1988 Annual Report on Special Purpose Revenue Bonds authorized under Act 277, Session Laws of Hawaii 1988, prepared by the Public Utilities Commission.

Gov. Msg. No. 267 transmitting copies of the Hawaii State Plan document which contains the five State Functional Plans relating to education, employment, health, housing and human services.

Gov. Msg. No. 268 transmitting copies of the 1986-1987 Annual Report prepared by the Hawaii Labor Relations Board in accordance with Section 89-5, Hawaii Revised Statutes.

Gov. Msg. No. 269 transmitting copies of the Report on Out-of-State Offices, prepared by the Department of Business and Economic Development.

Gov. Msg. No. 270 transmitting copies of the "**Hawaii Aquaculture Advisory Council, 1987 and 1988 Report,**" prepared by the Department of Land and Natural Resources.

Gov. Msg. No. 271 informing the House that he signed the following bills into law on the dates indicated:

June 16, 1989

Senate Bill No. 55 as Act 335, entitled: "RELATING TO LONG-TERM CARE INSURANCE";

Senate Bill No. 56 as Act 336, entitled: "RELATING TO INSURANCE";

Senate Bill No. 83 as Act 337, entitled: "RELATING TO HEALTH";

Senate Bill No. 161 as Act 338, entitled: "RELATING TO COUNTIES";

Senate Bill No. 840 as Act 339, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 976 as Act 340, entitled: "RELATING TO HOURS OF WORK";

Senate Bill No. 1052 as Act 341, entitled: "RELATING TO CALIFORNIA-HAWAII COOPERATION";

Senate Bill No. 1165 as Act 342, entitled: "RELATING TO THRILL CRAFT";

Senate Bill No. 1975 as Act 343, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2022 as Act 344, entitled: "RELATING TO UNIVERSITY OF HAWAII CHILD CARE CENTERS";

House Bill No. 20 as Act 345, entitled: "RELATING TO NETS";

House Bill No. 43 as Act 346, entitled: "RELATING TO ALTERNATIVE DISPUTE RESOLUTION";

House Bill No. 692 as Act 347, entitled: "RELATING TO AGRICULTURE";

House Bill No. 796 as Act 348, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

House Bill No. 902 as Act 349, entitled: "RELATING TO TOURISM";

House Bill No. 911 as Act 350, entitled: "MAKING AN APPROPRIATION FOR THE TREATMENT OF INCARCERATED SEX OFFENDERS";

House Bill No. 977 as Act 351, entitled: "RELATING TO THE GENERAL EXCISE TAX";

House Bill No. 1195 as Act 352, entitled: "RELATING TO THE DISCOVERIES AND INVENTIONS REVOLVING FUND";

House Bill No. 1217 as Act 353, entitled: "RELATING TO AQUACULTURE";

House Bill No. 1382 as Act 354, entitled: "RELATING TO PEER REVIEW";

House Bill No. 1756 as Act 355, entitled: "RELATING TO EXEMPTIONS FOR NEW VEHICLES AND OFFICIAL VEHICLES"; and

House Bill No. 1902 as Act 356, entitled: "RELATING TO COASTAL ZONE MANAGEMENT".

June 19, 1989

House Bill No. 79 as Act 357, entitled: "RELATING TO TOURISM";

House Bill No. 81 as Act 358, entitled: "RELATING TO THE DEVELOPMENT OF TOURISM";

House Bill No. 1299 as Act 359, entitled: "MAKING AN APPROPRIATION FOR FOSTERING INTERNATIONAL ACTIVITIES";

Senate Bill No. 408 as Act 360, entitled: "RELATING TO STATE BONDS";

Senate Bill No. 1321 as Act 361, entitled: "RELATING TO VIOLENT BEHAVIOR";

Senate Bill No. 1374 as Act 362, entitled: "RELATING TO MULTIPLE UNIT DWELLINGS";

Senate Bill No. 1476 as Act 363, entitled: "RELATING TO PEER REVIEW";

Senate Bill No. 1788 as Act 364, entitled: "RELATING TO MARRIAGE LICENSES";

Senate Bill No. 1897 as Act 365, entitled: "RELATING TO FACILITIES FOR OLDER ADULTS";

Senate Bill No. 1870 as Act 366, entitled: "RELATING TO EDUCATION";

Senate Bill No. 910 as Act 367, entitled: "RELATING TO EARLY EDUCATION";

House Bill No. 1826 as Act 368, entitled: "RELATING TO STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND";

Senate Bill No. 1622 as Act 369, entitled: "RELATING TO SCHOOLS";

Senate Bill No. 1868 as Act 370, entitled: "RELATING TO FISCAL CONTROL";

Senate Bill No. 1856 as Act 371, entitled: "RELATING TO ACCOUNTING"; and

House Bill No. 1196 as Act 372, entitled: "RELATING TO THE UNIVERSITY OF HAWAII".

June 20, 1989

Senate Bill No. 914 as Act 373, entitled: "RELATING TO DISCOVERY".

Gov. Msg. No. 272 informing the House that on June 26, 1989, he signed the following bills into law:

House Bill No. 1544 as Act 374, entitled: "MAKING AN APPROPRIATION FOR MARITIME ACTIVITIES";

Senate Bill No. 783 as Act 375, entitled: "RELATING TO THE REORGANIZATION OF YOUTH SERVICES";

House Bill No. 836 as Act 376, entitled: "RELATING TO HIV COUNSELING";

House Bill No. 1847 as Act 377, entitled: "RELATING TO COMMUNICABLE DISEASES";

House Bill No. 1906 as Act 378, entitled: "RELATING TO THE STATE HEALTH INSURANCE PROGRAM";

House Bill No. 913 as Act 379, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

House Bill No. 64 as Act 380, entitled: "RELATING TO LONG TERM CARE";

House Bill No. 1844 as Act 381, entitled: "RELATING TO ADULT PROTECTIVE SERVICES";

Senate Bill No. 195 as Act 382, entitled: "RELATING TO HANDICAPPED ACCESS"; and

House Bill No. 1236 as Act 383, entitled: "RELATING TO THE LANDLORD TENANT CODE".

Gov. Msg. No. 273 informing the House that on June 27, 1989, he signed the following bills into law:

Senate Bill No. 1154 as Act 384, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1551 as Act 385, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1413 as Act 386, entitled: "RELATING TO CIVIL RIGHTS";

House Bill No. 932 as Act 387, entitled: "RELATING TO CIVIL RIGHTS";

House Bill No. 30 as Act 388, entitled: "RELATING TO HISTORIC PRESERVATION";

Senate Bill No. 1140 as Act 389, entitled: "RELATING TO ART IN STATE BUILDINGS";

House Bill No. 1879 as Act 390, entitled: "RELATING TO THE STATE ENTERPRISE ZONES";

Senate Bill No. 59 as Act 391, entitled: "RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS";

Senate Bill No. 1250 as Act 392, entitled: "MAKING AN APPROPRIATION FOR HAWAIIAN HEALTH INITIATIVES";

House Bill No. 62 as Act 393, entitled: "RELATING TO HUMAN SERVICES";

House Bill No. 360 as Act 394, entitled: "RELATING TO FOSTER CARE";

House Bill No. 390 as Act 395, entitled: "RELATING TO REDRESS PAYMENTS TO JAPANESE INTERNED DURING WORLD WAR II";

House Bill No. 1635 as Act 396, entitled: "RELATING TO INSURANCE"; and

House Bill No. 1822 as Act 397, entitled: "RELATING TO THE TRANSFER OF THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS TO THE DEPARTMENT OF HEALTH".

Gov. Msg. No. 274 transmitting copies of a report prepared by the Hawaii Criminal Justice Data Center entitled, **"Crime in Hawaii 1988, A Review of Uniform Crime Reports."**

Gov. Msg. No. 275 transmitting copies of the Annual Report to the Governor of activities under the Job Training Partnership Act as prepared by the Hawaii Job Training Coordinating Council for Program Year 1987 (July 1, 1987 to June 30, 1988).

Gov. Msg. No. 276 transmitting copies of the 1987-1988 Annual Report prepared by the Hawaii Labor Relations Board in accordance with Section 89-5, Hawaii Revised Statutes.