

SIXTY-FOURTH DAY

Monday, May 6, 1991

The House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 12:01 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend John B. Connell of St. Barnabas Episcopal Church (Ewa Beach), after which the Roll was called showing all members present with the exception of Representative Peters, who was excused.

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

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, reading of the Journal was dispensed with and the Journal of the Sixty-Third Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 230 to 232) were read by the Clerk and were placed on file:

Gov. Msg. No. 230, informing the House that on May 2, 1991, he signed the following bills into law:

House Bill No. 256 as Act 90, entitled: "RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE TREATMENT";

House Bill No. 825 as Act 91, entitled: "RELATING TO LICENSING OF PSYCHOLOGISTS";

House Bill No. 1768 as Act 92, entitled: "RELATING TO WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS";

House Bill No. 2052 as Act 93, entitled: "RELATING TO AGRICULTURAL PARKS";

House Bill No. 2067 as Act 94, entitled: "RELATING TO SOIL AND WATER CONSERVATION DISTRICTS"; and

House Bill No. 2157 as Act 95, entitled: "RELATING TO HEALTH".

Gov. Msg. No. 231, transmitting copies of the report entitled, "**Waimano Ridge Master Plan.**"

Gov. Msg. No. 232, returning House Bill No. 1183, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

May 6, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1183

Honorable Members
Sixteenth 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. 1183, entitled, 'A Bill for an Act Relating to the Department of Health.'

The purpose of House Bill No. 1183 is to impose a statutory duty upon the Department of Health to ensure that all citizens have access to a reliable telephonic system which responds immediately to emergency calls and which refers such calls to the appropriate police, fire, or emergency medical services.

The bill would require the Department of Health to oversee a system which responds to any type of emergency situation affecting either the police, fire or emergency medical services. The Department of Health, however, as a health agency, does not have any expertise in police and fire departments dispatch operations. Accordingly, to require that the Department of Health assume the responsibility of a telephonic system directly affecting the daily operations of the police or fire departments, which are under county jurisdiction, would be inappropriate.

Moreover, the EMS-related calls on the current '911' system comprise only approximately 10% of all calls received. Therefore, although the EMS is a user of the '911' system, the primary use of the system is for police and fire department assistance, which are county functions.

Additionally, with the exception of Hawaii County, all counties have operating 911 emergency telephone systems. Each county is in the best position to assess its resources and requirements and, therefore, should be responsible for the development and operation of its own emergency telephone system.

Finally, without a qualifying definition of the word 'ensure,' the scope of the State's potential tort liability should the Department of Health fail to absolutely 'ensure' access to a reliable 911 emergency call system is unclear. Similarly, the use of the word 'reliable' in referring to a 'reliable telephonic system' without a qualifying definition is also troublesome, because the Department of Health has no control over the operation of the telephone companies and the county equipment and personnel necessarily involved in the operation of the emergency call system.

For the foregoing reasons, I am returning House Bill No. 1183 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 834 to 838-A) were read by the Clerk and were placed on file:

Sen. Com. No. 834, returning House Concurrent Resolution No. 324, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO SUBMIT A REPORT ON THE FEASIBILITY OF DEVELOPING PAINTED TIMELINES EXHIBITS OF HAWAII'S HISTORIC ERAS IN THE STATE CAPITOL STAIRWELLS," which was adopted by the Senate on May 3, 1991.

Sen. Com. No. 835, returning House Concurrent Resolution No. 327, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE RESALE OF LEASEHOLD PROPERTIES CONVERTED UNDER THE HAWAII LAND REFORM ACT," which was adopted by the Senate on May 3, 1991.

Sen. Com. No. 836, informing the House that the Senate has agreed to the amendments proposed by the House to Senate Concurrent Resolution Nos. 27, SD 1 (HD 1); 43 (HD 1); and 175, SD 1 (HD 1), and that said concurrent resolutions were adopted by the Senate on May 3, 1991.

Sen. Com. No. 837, informing the House that the Senate has disagreed to the amendments proposed by the House to S.C.R. No. 1, SD 1 (HD 1), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO INITIATE DISCUSSIONS RELATING TO THE ESTABLISHMENT OF COOPERATIVE ASSOCIATIONS AMONG PACIFIC ISLAND STATES, TERRITORIES, AND NATIONS," and has, on May 3, 1991, named Senators Chang, Chair; Hagino and Reed as conferees on the part of the Senate for the consideration of said amendments.

Sen. Com. No. 838, informing the House that Senate Bill No. 1449, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading in the Senate on May 3, 1991.

Sen. Com. No. 838-A, informing the House that the Senate has, on May 1, 1991, adopted House Concurrent Resolution No. 85, SD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT 'SHOELESS' JOE JACKSON BE EXONERATED FROM CONSPIRING TO THROW THE 1919 WORLD SERIES AND THAT HE BE ADMITTED INTO THE NATIONAL BASEBALL HALL OF FAME."

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

Representative Apo introduced Congressman and Mrs. Bryan Johnson. "Congressman Johnson served in the 86th Congress and cast his vote during that year for statehood for Hawaii."

Representative Chun introduced Gordon Choy, a constituent from the Liliha area.

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

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

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Arakaki, seconded by Representative O'Kieffe 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.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the rules were suspended for the purpose of considering Conf. Com. Rep. No. 75 and H.B. No. 139, HD 1, SD 1, CD 1, out of order.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 75 on H.B. No. 139, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 139, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker and members of the House, I am very pleased at this time to report that we have a budget and it's a rather lean budget. In retrospect, it has approximately a ten percent increase over the biennium. It probably would have been even less if it wasn't for the major expenses that were incurred in relation to health because of the need to increase in the mental health area with an increase in mental health of approximately 43 percent. We also had very substantial increases in lower and higher education, at 15 and 6.16 percent, respectively.

"I would also like to make mention for those members and those in the community who think that we spend excessively for tourism and other business development programs, this budget provides only a 1.92 percent increase in economic development which includes tourism. And it is hopeful that as the years go by, because we're so dependent upon business and tourism, that we need to look at these areas for increased funding. But because this year was a rather lean year, we concentrated on very essential programs of health and human services and in education.

"I would also like to thank the members of the Finance Committee, especially the Vice Chair who did a yeoman's job in assisting myself and the members of the Finance Committee, in passing a budget, and like in times past I would like to express the gratitude to my staff and to the staff of the Finance Committee. Without their help and assistance, this budget would never have been passed. These last four months, I don't think any of the members have gone with much sleep. I think you really need to be involved to really understand what it takes to pass a budget of this size of approximately ten billion dollars. It requires a lot of work, a lot of time.

I have all my staff there but if my head staff person, Robin Matsunaga, is there, I would want him to rise for the rest of the staff. Robin, would you please rise? And the rest of the staff can wave so everybody can see you.

"Mr. Speaker, again, thank you very much for all your help and support during the session.

"Thank you very much and aloha."

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

"I would like to acknowledge what I consider, since I have arrived here, probably the greatest amount of access and cooperation between the Finance Committee, their staff, and the Committee on Health. And also to direct your attention, not only to the increases in funds which were very necessary, but to the provisos which are included in this budget that relate to health because I believe that the provisos are perhaps one of the most significant earmarks of new directions in health.

"They include a recluster of resources and reprioritization of resources within the department around

the office of Hawaiian health. They also include a mandate for the department to look at all the funds in purchase of services and otherwise that relate to primary care and the establishment of primary care centers as a possible arena in which most of our external funds would be rebundled in the future.

"This is a national trend. We are ahead of the national trend, I believe. Already three of our primary care centers have qualified to receive a hundred percent cost-based reimbursement for medicaid clients and patients. This is extremely significant and can potentially increase the amount of federal funds available to us in the millions of dollars.

"I would like to especially acknowledge and thank the Finance Chair for his acceptance of these provisos and for fighting for them with respect to the Conference Committee because I believe that they do earmark a new direction and a new way of dealing with health in the State of Hawaii.

"Finally, I would like to send a message to those who evaluate our mental health systems that, over the past years, we have not only increased our mandatory benefits for mental health which incidentally a recent study indicates that targeted mental health benefits actually save money in terms of other medical expenses. While we debated long and hard as to whether or not to add this to our State law, it actually is true that it is saving money. We have increased over the years case management, adult mental health, substance abuse, this year for children's mental health, and a whole array of services, and we are about to break ground on a brand new State Hospital which I think will do us proud as far as the mentally ill in this community.

"So, finally, a mahalo for all those individuals in the community who will be served with the amounts in this budget, and a mahalo for all of those who will be served by the restructuring contained in the provisos of this budget.

"Thank you."

Representative Isbell then rose and stated:

"Mr. Speaker, I rise to speak in favor of the budget; however, I have one concern I would like to bring out.

"Basically, the document is an excellent one and I do think that the provisos are the most extensive I have ever seen and they are excellent. There is one item on page 337 which has to do with the Natural Energy Lab of Hawaii which I would like to bring to the attention of the committee members who especially sit on those brackets that have to do with the energy and the natural energy labs. I believe that by adding this special wording that they can now purchase water pipelines and pumps installed at NELHA.

"It sends up a red signal. You must think about whose pipes and whose pumps are we buying? The State and the federal government are the only ones that really worked on there and know the best ones. So the only ones that we would be buying are those of Ocean Farms -- that used to be the abalone farm. The Ocean Farms is in tremendous financial difficulty. A Japanese consortium and a local, I think the HELCO, helped pay for bailing it out. Now, they are trying to bail out.

"This is a bailout. It is a way of using State money to pay off some guaranteed loans as well as to indicate that moneys can be used for other things and we don't know what they are because the wording is rather broad, but I would like to bring to the attention of this body that this

is only the beginning. If once we start bailing out any one aquaculture that can't make it, then we have to continue. The next thing I expect, they'll come in next year and ask us to purchase the reservoirs they made. After that will be the infrastructure.

"The last thing the State should be in is the business of aquaculture. Let those people in the private industry take those risks. We've given them all kinds of infrastructure by providing them with a place to do their laboratory work and to expand, and the State has put millions of dollars into the Hawaii Ocean Science and Technology Park and the Natural Energy Lab. I don't believe that we should be bailing out those that lose and they can't make it because of poor management. But this is exactly what this does, and I am concerned that it's just the beginning of a long trail that we're not going to see the end of, maybe for the next few years, and the budget will reflect that, I have no doubt, next year.

"So, Mr. Speaker, with those concerns I thank you very much."

Representative Bellingier then rose to speak in favor of the bill, "with some reservations," stating:

"I would like to echo the concerns of Representative Isbell and that particular funding matter. The budget currently calls for that \$3.6-million dollars for the acquisition of those pipes at Ocean Farms. And indeed, this is a bailout. There is also another portion of the budget, though, that is also addressing that same particular project so the potential cost to the State can be far in excess of \$3.6-million.

"Two years ago, this Legislature approved five million dollars for pipelines at NELHA. Now, we expanded the language to allow for some of those funds also to be utilized to purchase those pipes. Additionally, the number of pipes that are over there, there's only two of them currently in working condition so the State will have to spend another half a million dollars to a million dollars and put those into working condition plus there's all the additional operating expenses that will be added into NELHA.

"Now, I don't think that this is the right move for us to be going and I think that this particular issue is one that this Legislature should pay close attention to because once we start out on these continuous bailout programs, there's absolutely no end to them.

"Thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, I also rise to speak in support of the budget with one reservation.

"We are focusing on health, human services, education and also government-wide support, and when we look at our pie-shaped chart we still have just an infinitesimal sliver for environmental protection and I would hope that this Legislature, next session, would give more support to environmental protection which, of course, includes the negative health effects from environmental pollution.

"Thank you, Mr. Speaker."

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

"Before citing specific items in the budget, Mr. Speaker and members of the House of Representatives, I would like to convey my thanks to all who have contributed to

the formulation of the components that make up this document.

"To my colleague, Chairman Souki, and the members and staff of the Committee on Finance as well as the members and staff of the Committee on Education, I extend my sincerest thanks.

"Also, I would like to extend my mahalo to the staff offices that supported the work of the Committee on Education. I commend your professionalism and commitment in making it possible for us in this Chamber to get the job done.

"Before I address the specific subject area of education, I would like to address one overall key issue raised during deliberations on the executive budget.

"As with others in this Chamber, I am concerned about the steady erosion of the people's 'power of the purse.' As stated on page 2 of Senate Standing Committee Report No. 1203:

"Appropriations are not being executed in the manner intended by the Legislature but in a manner decided at the discretion of the Governor, Department of Budget and Finance, and the expending agencies.

"To the extent that the Legislature insists and has the resourcefulness to see that its appropriations decisions are faithfully executed, it safeguards its legislative authority. But to the extent it allows the executive branch to modify or nullify its appropriation decisions, its legislative authority is thwarted and its standing as a policymaking body undermined and diminished."

"Unless we, as a separate branch of government, underline our constitutional authority, we fail to carry out our responsibility. We place ourselves in a situation where 'the tail wags the dog.' At the very least, public hearings should be conducted before funds are diverted from their intended use.

"Without the benefit of conducting public hearings, we give approval to the executive branch to exercise flexibility in transferring positions and funds between programs and appropriations -- above and beyond what the Legislature has appropriated. In short, we lose accountability in the spending of taxpayers' dollars.

"I am fully in concurrence with the Section 203 proviso stating that: 'Unless otherwise provided in this Act, the governor is authorized to transfer funds between appropriations within an expending agency for operating purposes; provided further that the governor shall submit a report to the Legislature of all transfers as of December 31 and June 30 of each fiscal year.'

"But, I am asking that the Governor also conduct public hearings before any funds are transferred or impounded. Public hearings, which would involve the community, would provide for more confidence in the actions of open government. Such an action by the Governor would be an embracing of democracy, and would encourage active involvement by the people of this State.

"Now, in regards to the Education budget, the total Education and Hawaii State Public Library budget for fiscal year 1991-92 is \$885,846,396, and for 1992-93, \$891,516,914. For Education, the first year is \$854,699,999, second year is \$867,363,767; Public Libraries, \$31,146,397 for the first year and \$24,153,147 for the second year.

"Overall, the \$12-million increase over the FY 1990-91 funding level is a 5.7 percent increase, with a subsequent 1.5 percent increase in the second half of the upcoming biennium.

"As with other program areas, some of the items were not funded during our 1991 legislative session. These include:

- (1) Adult Education.
- (2) Student Information System.
- (3) Vocational Education.
- (4) Class size. Perhaps this is the most disappointing among the proposals not funded but I am quite sure that we will address this next year.

"We must do better. In 1991, we were 35th in spending per student, 45th in class size ratio of students per teacher, and 47th in per capita direct school expenditures. I think we can do better next year and our future depends on it!

"While the budget for education before us falls below my most optimistic expectations, it contains items that will benefit public school students. As reflected in Conference Committee Report No. 75, funds have been appropriated for:

"**Vocational Education.** Over \$810,000 for the biennium;

"**Health Career Academy.** \$74,000 over the biennium;

"**Hawaiian Immersion Program.** \$693,000 over the biennium;

"**Vice Principals.** \$545,000 over the biennium;

"**School Registrars.** \$482,000 over the biennium;

"**Library Assistants.** \$179,000 over the two years;

"**Special Education.** \$889,000 over the two years;

"**Special Needs Schools.** \$762,000 for fiscal year 1991-92;

"**School Clerks.** \$933,000 for two years;

"**Financial Management System.** \$941,000;

"**School/Community-Based Management.** \$250,000 for the first year;

"**Parent-Community Networking Centers.** \$301,000 for the first year;

"**Re-inspection of schools for asbestos.** \$400,000 for the first year;

"**Repair and maintenance.** Over a two year period and I am very pleased that, colleagues, you all have something to be proud of for now we have a repair and maintenance system which is more effective by-and-large in regards to spending taxpayers' dollars -- \$58-million over two years.

"**Educational Facilities Special Fund.** \$180-million over the two years;

"In regards to **State Libraries**, \$2.9-million for workloads at new and expanded libraries; \$413,000 for

Telecom Network; and additional funding for equipment purchases.

"Mr. Speaker, issues to be anticipated for next year respectively will be Vocational Education so that we can bring the relationship closer between academic studies in our schools to that of the practicalities of today's world. In other words, the students will be more interested in the challenges in the schools. By the way, we have a six-year plan in that budget.

"Another issue is class size which I am quite sure we will continue to expand over the coming years.

"Another issue is Adult Education. Members, we do need rental money for facilities for these adult education classes during the daytime and, of course, the Student Information System.

"In my closing remarks, let's make education the number one priority in 1992. I ask for everyone's support and cooperation.

"Thank you."

Representative Tom then rose to speak "in strong support of H.B. 139, HD 1, SD 1, CD 1," stating:

"If I may, Mr. Speaker, just preliminarily today, like every final day of each legislative session, it represents a moment of nostalgia and reflection because each one of us leaves these chambers to return to our homes after all is said and done. Everyone of us will leave here feeling just a bit empty with fond memories of these past sixty legislative days.

"For me personally, I started off this session as the newly assigned Chairman of Human Services with mixed feelings of excitement, anticipation, trepidation, anxiety, and a real willingness to learn and to work very hard. Well, this session is history, Mr. Speaker, and quite honestly, I really don't know where the time went.

"As I reflect over the Human Services budget in this bill, I react with a sense of relief, satisfaction, and a renewed dream to launch even bigger and better programs for those in need in the upcoming legislative session. When one considers that the 1991 legislative session opened up with a war and plagued with the recession, our Human Services budget, in time of need, still managed to receive a 16.11 percent increase -- an increase in the amount of \$169-million over the previous biennium budget.

"In reaching these results, I wish to thank all of my fellow colleagues, all of you, today for making my experience as Human Services Chairman a lot more fulfilling, satisfying and enjoyable. I want to thank the members of our Human Services Committee for giving your one hundred and ten percent time, energy and input in our committee hearings and discussions.

"To Representative Dennis Arakaki, I want to thank you for laying the foundation, the groundwork, as former Human Services Chairman, in making it easier for me to continue on the work ahead.

"To Representative Suzanne Chun, as Human Services Committee Vice Chair, your innovative and creative ideas and thoughts were extremely refreshing, especially in a committee area which seems to receive, at times, very little attention, less funding, and a social hardship for those in need.

"To Joe Souki, House Finance Committee Chairman, I can honestly tell you that I was very, very proud and

honored, especially during the wee hours of the mornings, to sit behind you, Joe, in our Conference Committees between the House and the Senate because you represented the House with a lot of class, with compassion, understanding, confidence, and a real grasp of our budgetary situation.

"Permit me now to highlight just a few -- just a few -- areas of accomplishments this year in the human services and corrections area.

"In regards to the elderly, by the year 2005, individuals 60 years of age and older will comprise nearly 18 percent of the State's total population. That means by 2005, I think I will be in that category and I want to make sure that I, like everyone else here enjoying our golden years, can afford to pay for a long-term care and receive assistance in managing our life's affairs. That is why we have provided this year, \$500,000 to allow the Executive Office on Aging to begin now its hard work ahead in developing and implementing a long-term care financing strategy, and \$200,000 to develop a meaningful approach in case management to help individuals and families who cannot help themselves.

"In addressing our homeless population of between 10,000 and 20,000 homeless individuals in the State of Hawaii, we have taken a giant first step in providing in excess of \$18.3-million to fund a homeless type program, homeless emergency assistance program, outreach services to homeless families not living in shelters, in our CIP.

"I am also confident that once donations in the form of cold cash, lands, materials and services are put in from our private sectors, that the eradication of homelessness will not be a dream anymore -- it will be a reality.

"In the area of youth, I remain determined to consolidate and to bring together all of our youth programs so that those of us committed to keeping our young people out of drugs and gangs can all march in one positive direction and continue to develop meaningful alternative community programs and to fund such organizations as the Boys and Girls' Clubs statewide. This effort has already begun, as reflected in our purchase of services and grants-in-aid funding. And don't get me wrong -- our Human Services programs could always use more money and can get even better programs. But I know that our time will come; for example, I am still determined to break the intergenerational cycle of welfare and to give more people on our AFDC roles the opportunity to work productively and at the same time provide for those willing to work with support services such as child care, transportation, and subsidy assistance needed without penalizing them from going to work. Receiving \$8.1-million and \$8.8-million for the upcoming biennium in our jobs program, although not enough, marks a real beginning for bigger and better things to come.

"I just want to briefly state that in the corrections area, funds are in place to accomplish the swap between the WCCC and the HYCF facilities and to maintain the delicate, that very delicate balance between keeping those who are a danger to our community in prison versus providing alternative community programs and support services for those who should not be incarcerated. I am extremely proud of the work of the WCCC and HYCF exchange because it was a win/win situation with DPS, OIS, and the Windward community.

"In conclusion, Mr. Speaker, the success of our social reform can only depend on today's dreams to be shaped into tomorrow's realities. House Bill 139, as amended, represents a part of today's dreams.

"Thank you."

Representative D. Ige then rose to speak in favor of the bill, stating:

"Mr. Speaker, this bill really represents and demonstrates our commitment to education and why it is a high priority item for all of us here in the Legislature. I just wanted to highlight a few things that really demonstrate what that commitment means.

"In terms of the capital improvements budget, the University had received a banner year this year and I just would like to try and highlight some of the appropriations.

"First of all, for Kapiolani Community College, there is \$17.9-million that will allow us to finish construction on this new campus up on the slopes of Diamond Head. Additionally, we do have \$12.5-million for Windward Community College so that we can begin our efforts to rebuild this campus and really deliver to students and the faculty a facility that they deserve. We also, in terms of responding to the needs of the students and faculty at Maui Community College, have included over \$14-million to begin reconstruction of that campus on Maui.

"The budget also includes \$18.9-million for the construction of the Pacific Ocean Sciences and Technology Building which will clearly establish our position in the world in leadership of ocean and earth sciences. We also have \$8.4-million for renovations and refurbishing of Webster and Spaulding for the nursing program and another \$11-million for the College of Education. We also have \$4.2-million for establishment of the Hawaiian Studies Building on campus, and \$4.5-million for a new Student Services Building at Manoa. Clearly, in the construction area, the University did very well, Mr. Speaker.

"I just wanted to highlight a couple of things in the operating budget. It was a difficult year in the operating budget, primarily because of the recession, but as stated by the Finance Chairman, the overall appropriation was increased by 16 percent. I wanted to highlight a couple of areas for the members that we can all be proud of.

"First of all, in focusing on the budget, we did go back to basics for the most part, Mr. Speaker. There's \$25.8-million in repairs and maintenance to continue our momentum that we created in the past biennium to really take care of existing facilities. In addition, there is \$26.2-million for us to purchase new equipment so that we can equip our lab facilities so that they can be state-of-the-art learning facilities for our students.

"We've also worked to restore, on each and every campus, more than twenty positions that were deleted by the Administration which are really the nuts and bolts of running a university -- the clerical, fiscal, administrative kind of staff support positions that all too often get ignored in budget reductions.

"In terms of student services, there's more than \$2-million to really create a better environment for students on campus. This includes a new initiative on undergraduate academic advising. It also includes academic advising services and student retention services on each campus for non-traditional students. We've provided child care opportunities as well as training programs to meet the child care needs of the State.

"We have also included more than \$600,000 in terms of affirmative action and sexual harassment to really attack this problem and, hopefully, resolve many, many issues in

terms of equal treatment for our underrepresented minorities.

"In responding to critical needs of the State, the budget includes an additional \$3.3-million to provide increases in producing teachers, nurses and social workers to meet these critical shortage areas for the State.

"There are two areas of expansion that we focused on as a committee, trying to proceed in selected areas of excellence, even in these lean economic times.

"In terms of technology, the budget includes \$4-million for various technology programs. Included in that, and a lot of people think it's only high technology, but extension agents for our agricultural program so that we can help the State develop a diversified agriculture in the rural areas.

"We also have met the needs for accreditation and expansion in our Civil, Electrical and Mechanical Engineering Departments. We have appropriations to clearly establish Hawaii as the telecommunications link between the United States and the Pacific/Asian Basin.

"We also have included funds for the Office of Technology transfer for their technical and assistance programs, sea capital programs, and other programs that really recognize that the University of Hawaii is a key economic engine in this community.

"In regards to the University of Hawaii being one of only four institutions in the nation that are land, sea and space grant institutions, we've appropriated funds for the space grant program.

"The other area of selected excellence that we've chosen to focus in on deals with international and Hawaii's role as an international player. The budget includes \$1.3-million for an initiative in this area and it includes the Office of International Programs, international student exchanges, masters in international studies and relations program, and a masters of peace and cultural studies. So overall, Mr. Speaker, it clearly demonstrates what our priority to education is and our commitment to the people of Hawaii.

"I would like to thank Chairman Souki and all the members on Finance for their commitment to education this year, as well as the Finance staff who always put in countless hours, or we would never be able to complete our work. I would also like to thank my Vice Chairman, Karen Horita, and the members of the Higher Education Committee for their input in developing this budget.

"Clearly, Mr. Speaker, this budget is a document that we can all be proud of.

"Thank you."

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

"The budget which we are voting on today, to me, once again represents more of the same -- entrenched as mismanagement in many branches of our government by many well-intended people. It represents an excessive waste of time and an excessive waste of our precious resources. It has duplications and it has, most of all, inefficiency.

"As a businesswoman, I am appalled by the lack of concern for cutting costs, for finding efficiencies in existing programs where the possibility for real updating, real and genuine change in modernization, exists. With many moneys saved by these programs, we could then

fare better for the essential health, education, human services, environmental and many other needs in our State.

"In addition, Mr. Speaker, there are millions being spent in activities and business ventures that I believe the State has no business being involved in. For instance, we continue to subsidize, or really to rescue, the State Hospital System, an area which, by the experience across our country and by the testimony of many here in Hawaii, would be far better served privately. In programs like aquaculture, for instance, why not let private industry take the risks? Why should the State be involved?"

"But, Mr. Speaker, however I may feel about the budget, I sincerely wish to thank you, your Committee, and all of the staff who've worked so hard on it. But however noble is the scope of this budget, I will not rest easily until the peoples' real everyday needs of Hawaii are addressed. Spending more and taxing more will never be the solution. Saving more and being more fiscally responsible in considering the true economic impact of each and every one of our decisions -- these are the ways to begin. Also, we should really begin considering the privatization of areas that private industry can do better than government.

"Mr. Speaker, I support this bill but very reluctantly for I know that there are still high school students out there with textbooks that they need, and I find it hard to totally support the budget which doesn't convince me that our peoples' needs at the real grassroots level are being met.

"Thank you."

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

"Mr. Speaker, a little less than a month ago your Kalihi legislators, also known as the 'Kalihi Gang,' hosted a group of student leaders from the Kalihi area and towards the end of our question and answer session, an inquisitive and rather bold sixth grader from Fern Elementary School got up and asked, 'So what are you doing for our future?' Can you imagine the nerve of this kid asking us -- 'What are you doing for our future?' Well, what are we doing for their future? The truth was, no one could adequately answer that question at that time and, no doubt, we were taken aback by such a question.

"It's a sad commentary that we, as legislators as well as the media, are focused on crises and emergencies and how to manage them. A prime example would be the \$6-million emergency tourism marketing fund, and like it or not, that will be the benchmark on how we fund programs for the State. But like other short term solutions, we shall soon find out whether we obtained the results we paid for.

"This budget, on the other hand, contains pieces of our vision expressed for our children, the benefits of which may not become apparent for years to come. For a child, his or her future starts in the womb and many hopes and dreams can be dashed by inadequate prenatal care or high risk behaviors such as substance abuse. Our budget provides new funds for expansion of perinatal services to those who are most at risk -- pregnant women living in rural areas, and for those who are low income and very young. The budget also provides assistance for those Moms who are substance abusers and their young children through programs such as Baby Safe and the Salvation Army's Women's Way and Pohaipono. The budget also provides for added nutrition for pregnant women and infants with funds for the WIC Program.

"And this Legislature also continues to expand the nationally recognized Healthy Child Program which provides early prevention and intervention services for those families who are most at risk of abusing or neglecting their children. Our budget will also provide for expanded services for those families with children who have developmental delays or disabilities, and it also funds expansion of the Open Doors Project as we continue to move towards our vision of a universal early childhood education system.

"All of these focus on infants and the young child as our collective expression of our belief that prevention and early intervention are the most cost effective means of avoiding long-term costs and institutions. But our budget pays a heavy price for the children and adolescents who are emotionally disturbed and mentally ill, abused and neglected, or suffering from serious illness, or engaged in criminal activity.

"An interim task force on mental health for children and adolescents identified \$24-million as the cost of establishing a comprehensive system of care that would adequately provide treatment for those who are most in need. Of the estimated 10,000 children and adolescents in need of mental health services, this budget will provide \$2.5-million in additional resources which is just a fraction of what is needed, but nevertheless, a step in the right direction to develop a system of care to hopefully treat the most disturbed.

"This budget will also provide new initiatives to the Office of Youth Services so that troubled youths can be diverted away from institutional care with more cost effective community-based alternatives.

"For that young man from Kalihi, Mr. Speaker, we will brighten his future with budget initiatives that will provide special needs funding for our Kalihi schools as well as provide expansion of career opportunities and health care through the Farrington Health Academy. For all low income minority students, we will continue to keep their hopes and lives with opportunities in higher education.

"Mr. Speaker, I am sure that you and our colleagues know full well the difficulty of keeping our feet planted firmly on the ground of the present while keeping our heads in the clouds and our eyes on the future. It is no easy task to respond to the immediate needs and crises of the here and now while trying to lay the groundwork for the future that will be our legacy to our children. It has been said that a government and society can be judged on how well it takes care of its very young and if we are to be judged by what we did for our children, then we have done relatively well according to this budget but there is much more to be done. We need to weave this patchwork of services and programs so that none of our children will fall through the safety nets.

"I believe, Mr. Speaker, that our Finance Committee and staff, with the assistance from the subject matter committees, have produced a budget which provides a delicate balance, a budget responsive to the needs of today, yet responsible towards the visions of tomorrow, and they should be commended for making those tough decisions.

"In closing, perhaps it would serve us well in all our deliberations, Mr. Speaker, as we make those critical choices, to remember the question posed by that young man from Kalihi for indeed he speaks for all the children of Hawaii -- what are you doing for our future?"

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this budget is a good budget. We spent a lot of hours looking over it and we have used a fine tooth comb to see that it is a well-planned budget. Mr. Speaker, if there is anyone that questions the use of government money for private projects, I was the one, and I want to thank Chairman Souki for tolerating me. I agree with some of the previous speakers that we should not spend government money for private uses but, Mr. Speaker, we have spent \$6-million for tourism -- why can't the people in the tourist industry use their own money? In addition to that, Mr. Speaker, we have also exempted a cruise line from some of the taxes that have to be obligated.

"This budget, Mr. Speaker, is a well-balanced budget and I am sorry that everybody is not happy about it, but then we have only so much money to mete out. There are some of us who are unhappy but next year is another year. There are some departments who are also unhappy. Let me just say to them that they better look into their budget also and use the amount of money that they have to the fullest extent.

"Mr. Speaker, this is a good and well-balanced budget and no matter what other members may feel, I still say that it is a good budget.

"Thank you."

Representative Tatibouet, in rebuttal, stated:

"I would just like to remind my colleagues that the \$6-million for tourism can be applied from the special tax that's on tourism -- something that's called the transient accommodations tax -- which produces far more than \$6-million. The industry's been singled out for special tax and I see no wrong with this body allowing \$6-million to be spent to bring more tourists to this State which drives up the economy of this entire State.

"I also would like to add that since it was mentioned that the tourism industry is exempted from some special taxes in the way of the American Cruise Lines, I certainly myself do not endorse that.

"Thank you, Mr. Speaker."

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

"First of all, I would like to commend and congratulate all the previous speakers who spoke on the budget as far as being the abacus of those particular programs. I would like to give the members of this House a philosophical point of view as far as the total budget process that we all went through during these past sixty-four days.

"The evolution of this budget document that you have before you started in late July, early August. It was at the department level, that formulating the blueprint of this particular document is based on our government operations. By December, the Administration compiled all the budget requests of their respective departments on the pretense that our economy was going ahead on a four to six percent increase. Boom! With the national recession, with the Gulf War, the State Legislature was in a major dilemma.

"In January, the Finance Committee, through the leadership of Chairman Souki, met with the Council of Revenues and what their projections were for the next biennium. Their projections were for a \$120-million

shortfall and, here we go, all the respective committees that were assigned the different responsibilities were asked to go and find the monies and do their nit-picking and cutting.

"During March, in Chairman Souki's statement to the House, in regards to the budget that was sent to the Senate, the Chairman was projecting another \$20- to \$30-million shortfall which adds up to a total of \$150-million shortfall. What is our dilemma at this point in early March when the budget was sent to the Senate? Well, in Chairman Souki's statement to the House, it was a balanced budget -- a balanced budget that we could all be proud of. There were these unanswered questions now in regards to the national recession, the Gulf War, and also our 'blackout' that we had here.

"Mr. Speaker, at this point, I would like to commend and applaud all the subject committee chairs and their vice chairs for a job well done, as far as being very patient and well indulgent with the Finance Committee.

"The budget document before you has struggled along on a 64-day overtime journey through both the House and the Senate. The budget document is not a pretense of our document because it will be amended, it will be revised by the Administration. A case in point is when I told Representative Tajiri one evening after the budget conference, 'Gee, Harvey, I think Hilo, Maui, Kauai got all the money,' and he was smiling. And I think Representative Chang came over and said, 'Hey, why are you laughing at us?' I said, 'Well, you've got the first hurdle crossed.' That is, having the appropriation in the budget, 'and now it is up to the Administration to release the monies for your respective counties.'

"The budget may be a compilation of many, many long hours of work by members of this House, and it is a well-intended and well-meaning document in trying to address all of the concerns that were stated here previously on the floor. Chairman Souki and his staff worked patiently and diligently with the subject matter committee chairs, and what Representative David Ige said is correct, that access was there for all of us. If any of you had any concerns on a particular matter, he had that public access to the chairman or to his respective liaisons.

"I would like to commend you, Mr. Speaker, in developing I think, within my past fifteen years as a career here, in the development of a subcommittee structure of the Finance Committee. I would like to commend Chairman Kanoho and Chairman Yonamine for a job well done on their Select Committee on purchase of services and grants-in-aid; Chairwoman Kawakami in representing the County of Kauai in their capital improvement projects' grants-in-aid to the respective counties; Chairman M. Ige for representing Oahu; and Chairman Baker for the island of Maui. Also, Chairman Tajiri for the County of Hawaii.

"Some of us may not be happy with the budget but you have to remember that with less financial resources to allocate to the ever-increasing budgetary resources and requests that are made, where do we all find the revenues? Somehow I do hope, when we move and be relocated to the State Office Tower, that there is a small provision in our budget for the acquisition of a printing press. Maybe we can print our own money so that we can take care of our own problems of this respective State. That is a joke, Mr. Speaker.

"I personally hope that the criticism of all of our fellow colleagues who have some criticisms against the budget, it is well intended and well-meaning and just think about it -- in the next two months, the budget process will start all over again in our supplemental budget year of 1992. So,

on behalf of myself, I would like to congratulate all of you for doing a very excellent job in asking those hard questions, and also commending the Minority Floor Leader and the Minority Leader for a job well done.

"Thank you, Mr. Speaker."

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

"We've spent more money than we've taken in, unfortunately.

"Thank you."

Representative Anderson then rose and stated:

"I'm in favor of the budget but I have some concerns, listening to all of my colleagues, by saying they didn't get enough money and maybe next year they can get more.

"Mr. Speaker, in 1980, we celebrated, I believe, when Eileen Anderson was in charge of Budget and Finance, the billion dollar baby. Today, this budget represents ten billion dollars. I think we've grown faster in giving out money than anything that I can imagine would happen in business. Listening to my colleagues, that's one of the reasons that I would try to exempt any business from a four percent or doing anything on giving them land somewhere if we can get more businesses going. I have nothing that I would ever be ashamed of in that area. In fact, I've been trying to do that with the filming industry for years, to go to the Big Island because there's land available and if we could give tax exemptions, I would be very happy about that.

"But let me tell you, Mr. Speaker, we, in business, generate dollars -- tax dollars. Over here, we don't generate tax dollars. So to say that we're going to continuously give out money and that it's going to be an everlasting amount of money in a basket kinda worries me. Chairman Souki does everything possible. I sat on Finance, subject committees go in -- they ask for everything under the sun. And when they're given whatever he can possibly give, they turn around and say, well, we're really happy with it but we need more money next year. We need new constituents. We're going to go ahead and make sure that from the womb to the grave, we're going to take care of everybody. And that bothers me. I am reaching that age that our good Representative from Kaneohe, Terrance Tom, said. I'll be 60 this year, and it worries me that everybody is going to take care of me when I'm 65 or 60. You know, I'm able to take care of myself. I don't ask government to take care of me. But all of you think that you have to take care of all of us. I like programs that take care of people if, in fact, it's needed. Don't sit here and dream up all of the different things that you think people need.

"For that reason, Mr. Speaker, I'm voting for this budget. I think that we have lots of areas that we could save in, but I don't think it was the Chairman that wanted to save on this because the subject committee chairmen came forth and they asked for it, the constituents asked for it evidently, and we've put in some three thousand bills. So we're all responsible for any dollars that we have spent.

"Thank you very much, Mr. Speaker."

Representative Oshiro then rose and requested a conflict ruling, saying, "The company I am employed with may be impacted by appropriations to construct an International Arrivals Building for people at the airport."

The Chair ruled, "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 139, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. No. 139 had passed Final Reading at 1:16 o'clock p.m.

At 1:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:15 o'clock p.m.

Stand. Com. Rep. No. 1625 on S.B. No. 2099, SD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2099, SD 1, having been read throughout, pass Third Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, I rise in support of this appropriation measure which will provide the necessary funds to assist 'severely' alienated youths in the Central Oahu area. The reason I am speaking on this is because it is a very promising program which was introduced and called to my attention by my vice chair, Representative Bobby Bunda.

"The Storefront Alternative Learning Center has been operational for the past 24 years. The request for additional staff, as well as two passenger vans, are intended to better service alienated youths. All in all, this program is well needed.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2099, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ONE SECRETARY POSITION AND TWO FIFTEEN PASSENGER VANS FOR STOREFRONT, WAHIAWA, OAHU," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Stand. Com. Rep. No. 1668 on S.B. No. 1334:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1334, entitled: "A BILL FOR AN ACT RELATING TO ATTENDANCE OF BLIND AND DEAF CHILDREN," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that S.B. Nos. 2099 and 1334 had passed Third Reading at 2:16 o'clock p.m.

Conf. Com. Rep. No. 12 on H.B. No. 936, HD 2, SD 1, CD 1:

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

Conf. Com. Rep. No. 21 on H.B. No. 1685, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1685, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"I realize it's constitutionally legal for us to be discussing this, but I feel it is somewhat inappropriate and misleading to the public when I keep reading in the newspapers that we're discussing a senior citizen's lifecare community when, in fact, it's an exclusive, expensive development that's being proposed by a company from California called the Episcopal Homes of Hawaii, Inc. The majority of the units are in the \$250,000 to \$300,000 range. I don't believe my colleagues are aware of that and the basic monthly fee on top of that is a minimum of \$1,400 a month which includes no medical services at all. That's just the fee for living there. The average unit is 1,300 square feet in size and some are larger. They are one- and two-bedrooms with just a few small ones.

"I realize that it's a bonding issue, but for some reason it just seems that it shouldn't be presented before the public as if we're looking at reasonably and moderately priced lifecare facilities for our senior citizens.

"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. 1685, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 53 on H.B. No. 917, HD 2, SD 2, CD 1:

Representative Arakaki 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 O'Kieffe.

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

"I rise to speak in favor of this bill which transfers the boating and coastal programs from the Department of Transportation to the Department of Land and Natural Resources.

"I want to thank the Transportation and Judiciary Committees for their cooperation in putting together this bill that's been awaiting final passage for several years and, in particular, Representative Baker for her vitally important leadership on this bill.

"With this bill, we are allowing the marine patrol to be transferred from the Department of Transportation to the Department of Public Safety, and I want to specifically thank Representatives Baker and Isbell for developing language which is included in this conference draft that makes certain that, first, the marine patrol does not get lost within the Department of Public Safety. Second, that the marine patrol officers are trained to be effective conservation and educational officers as well as officers who will enforce the other laws of the State; and third, that the Department of Land and Natural Resources and the Department of Public Safety coordinate their efforts so that the marine patrol and DOL Care are operating

effectively to manage our valuable land and ocean resources.

"For these reasons, I support this bill.

"Thank you very much."

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 THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE REGULATION OF OCEAN RECREATIONAL BOATING AND COASTAL ACTIVITIES," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 54 on H.B. No. 515, HD 1, SD 2, CD 2:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 515, HD 1, SD 2, CD 2, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Thielen rose and stated:

"Mr. Speaker, I rise to speak in support of H.B. No. 515 with one reservation.

"My concern is that only one physician's signature is required on the certification, and that's of the attending physician. I am concerned because an attending physician may not be one with the high level of skill that should be required for this sort of a decision. For example, it might be an OB-Gyn rather than a neurologist, and I hope that this body will be receptive to amending this bill next session to put back in the requirement for two physicians' signatures.

"Thank you, Mr. Speaker."

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

"I stand again to voice my opposition to this bill. I cannot keep my silence each time an unjust piece of legislation is brought forth before us that hurts and victimizes innocent people.

"The fear of death is an issue that's being played upon everybody, especially the elderly, some of whom do not understand clearly what portions of the living will might mean to them. That is my concern number one. They have not been informed, for example, that the process of dying, whether by the withdrawal of food and fluids, is one of the most painful and horrible ways to die. Artificial tube prolongation may sound awful to them but it's simply an ugly euphemism for a cup of cold water for the thirsty.

"My number two concern is that, under this bill, it allows the patient to give a clear oral statement to two adult witnesses who then communicate the statement to the doctor to revoke the will. I question -- how do we define a clear oral statement? Will it be possible for a person to give clear oral statement when you are very sick, tired, and probably near death?

"Again, Mr. Speaker, I don't have any problems with the intent of this bill but it bothers me to think that there is no protection for innocent people that do not understand the ramifications or provisions contained in this bill. Let me explain. When a person starves, their mouth dries out and becomes coated with thick material,

lips become parched and cracked, the tongue becomes swollen and cracked, cheeks hollow, the nose lining cracks and bleeds, the lining of the stomach dries out, coughing dry heaves, and vomiting. As starvation continues, the body develops high fever, brain cells begin to die causing convulsions, respiratory tract failure causes heavy secretions, eventually filling the lungs, and the heart and brain fail and die. This process can take anywhere from five to twenty-one days. It is horrible.

"We have certainly gotten a distorted view of the value of human life. Mr. Speaker, this is not a religious issue. It is a human issue.

"Right now, the law does not prohibit intaking of food and liquids. It is indeed a very terrifying experience to be without water and food.

"Once again, the elderly who do not wish to suffer are deceived if they believe that the withdrawal of food and fluids will facilitate an easy and swift death. We must protect them and every other dying patient by not forbidding basic human kindness.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, Harry Truman is known for a number of things where the buck stops and especially for plain speaking -- speaking clearly and plainly -- and I think what this bill lacks is some Harry Truman candor. I have three points to illustrate that.

"Firstly, this bill doesn't differentiate between medicinal feeding and nutritional feeding. It says you can either get a tube or you can't get a tube. Why can't we say, you can choose food and water to have in a tube, or you can choose medicine to get in the tube. It doesn't give us that option.

"Secondly, when it comes to life and death issues, plain speaking should be mandatory -- crisp, unequivocal, decisive, and not vague. The checklist is only comprised of two things -- the tube or not the tube. Where are all the other electronic, technological advances that in this age of choice should also be listed? It's not there -- it's incomplete. It's a very incomplete checklist. In fact, it's a misnomer to call it a checklist.

"Thirdly, as my colleague has already spoken to, in a life and death situation, we are leaving the decision to one person. At least, in the old bill, there were two persons -- colleague, professional, intellectual -- checks and balances, if you will. In this bill, it's allotted to one individual.

"Mr. Speaker, I think we can do better than this, and I think a little bit of candor so that people out there who aren't as discerning of the word as we may be, will know when they have a living will. They will know exactly what they're doing. And I think that's in the spirit of Harry Truman -- plain speaking -- of which this bill needs a good dose of.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this bill, as with our previous bills, I believe represents an attempt to deal with dignity and with care and with caution those very special moments at the end of one's life, and to acquiesce to the asserted will of an individual as to how they will be treated in their last

moments here. I believe that this bill is a significant improvement on what the living will was before in that, given the experience we've now had, we have clarified the issues. It is much clearer than before. We have added a specific checklist for the most difficult of issues, and in doing so I believe that this bill does represent, to the extent possible, a consensus of many, many sensibilities, values, and points of view. It has been constructed with a great deal of dialogue, a great deal of information, and a great deal of work.

"I think we should all acknowledge the extra work that has been put into this by two individuals, one of whom is still with us today -- Jeff Crabtree -- and Dr. Stephen Wallach, who have put a tremendous amount of work in this on behalf of the community, taking away from their own jobs. And also all the others who have worked very hard on this issue, and very sincerely on this issue, from the broad spectrum of political and social values; those involved with the Hawaii Right to Life, as well as the medical community, as well as other Catholic churches and other churches. There's been a lot of input in this, and I am very confident that this represents sensitivity, if not total agreement, to many of the concerns. It is a bill wrapped, I believe, in dignity and respect, and I think it's one of the most significant things we are passing this year.

"And I also would like to acknowledge the continued attentiveness to the provisions of the bill shown by both Judiciary chairs in the House and the Senate because it did take a lot of work and it did take a lot of attention to the legal details. I'm glad that we took it back into conference because we did make some adjustments that I believe improved the bill, and I am very proud that we are once again unafraid to step into an area that needed our attention, and we were courageous and sensitive and respectful, and I believe that the senior citizen community in particular will look upon this bill as a very significant contribution to their quality of life.

"Thank you, Mr. Speaker."

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

"If I may, I would like to have Representative Shon's remarks entered into the record as my own and to that, add only that one of the most ardent proponents of this measure was the AARP -- American Association of Retired Persons -- and there were many other senior groups that were also advocating this legislation.

"This legislation, Mr. Speaker, really represents an evolution of the existing living will legislation that was introduced and sponsored by Representative Tom several years ago and myself.

"Thank you."

The Chair "so ordered." (By reference only).

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

"Mr. Speaker, in discussing this bill with my colleagues, it was continually pointed out to me by one specific colleague that we did not share the same philosophical views. In speaking from a philosophical perspective, we oftentimes hear people speak of dignity and the quality of life. But rarely these days do we hear people speak regarding the sanctity of life.

"I think when we speak on this bill, 515, and look at the seriousness that is about to take place, philosophies

aside, a single opinion by a single physician to take such drastic action concerns me deeply.

"In the penalty section, as I have pointed out prior to today, I still, in my humble layman's opinion, fail to see the difference between an individual who coerces someone into putting together a living will and a physician who fails to report a dying patient's wishes to revoke that living will. My main concern as we move forward is, where is this going to lead us?"

"As pointed out previously, watching someone starve to death is not a very pleasant sight. Where will this lead us should eight days be too difficult for someone to look at a person? Are we then going to propose that lethal injections be used in the name of mercy and dignity?"

"This bill concerns me. In my first year as a legislator, it is very difficult for me to see this. I, therefore, am against House Bill 515.

"Thank you, Mr. Speaker."

Representative Bainum then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 515 and I ask that Representative Shon's remarks also be entered as my own," and the Chair "so ordered." (By reference only)

Representative Bainum continued:

"Just a few additional comments.

"One of the most unpleasant sights I've had the opportunity to participate in is seeing someone sustained by tubes, either through the nasal gastric tube or gastric feeding tube, when the patient is no longer conscious, whether it would be better to unplug the tubes with unpleasant consequences, and to me that's unpleasant.

"What this bill does is it gives a person, when they are of clear mind, the opportunity to make a decision, conferring hopefully with the attending physician with whom they have confidence, with whom they have talked to, and make their wishes known.

"For this reason, I support this bill and I urge the passage of it.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 515, HD 1, SD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO LIVING WILLS," having been read throughout, passed Final Reading by a vote of 41 ayes to 9 noes, with Representatives Alcon, Chang, Duldulao, Horita, M. Ige, Morihara, Santiago, Ward and Yoshimura voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 55 on H.B. No. 375, HD 1, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 375, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 56 on H.B. No. 734, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 734, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Marumoto 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 Marumoto's remarks are as follows:

"We often hear the phrase, 'we are taxed on sickness in Hawaii,' because we are assessed the 4 percent General Excise Tax (GET) on all medical costs (except drugs and prosthetic devices.) That is true, but fortunately, we do have an excise tax credit to mitigate the effects of this tax. It's not as good as no tax, but it's better than nothing.

"This seven line bill will make this credit permanent, and should it ever be threatened out of existence, it would be imperative that we fight to keep it. For the GET is a most regressive tax, and we don't want to hit the sick, and the poor who are ill, when they are down.

"This small bill will afford every taxpayer up to \$200 a year in credit for their medical receipts, double that, or \$400 a person for those over 65 years of age. And for couples over 65 years, the credit is \$600 per year.

"Needless to say, it is important to vote for this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 734, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SERVICES EXCISE TAX CREDIT," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 57 on H.B. No. 851, HD 2, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 851, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL TOUR AND INFORMATION PROGRAM," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 58 on H.B. No. 1697, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1697, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA PARTNERSHIPS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1685, 917, 515, 375, 734, 851 and 1697 had passed Final Reading at 2:35 o'clock p.m.

Conf. Com. Rep. No. 59 on H.B. No. 1699, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1699, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

FOREST STEWARDSHIP," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 60 on H.B. No. 1748, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1748, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Tam rose and stated:

"Mr. Speaker and colleagues, I would like to speak in support of House Bill 1748, which appropriates funds to the Department of Education to plan and conduct public forums on the issue of governance of public education in Hawaii. This issue has been with us for many, many years and now, at this time, we'll probably resolve it hopefully.

"The purpose of the appropriation is to:

- (1) Plan and conduct public forums that provide opportunities for discussion and debate on governance of public education in Hawaii; and
- (2) Establish and provide assistance to a blue ribbon task force to examine the roles of the Governor, the Legislature, the Board of Education, District School Advisory Councils, and any other agencies, departments, or organizations dealing with the educational system.

"In past legislative sessions, improving the quality of kindergarten to twelfth grade education was addressed by positive attempts, among them:

- (1) The lowering of the student-teacher ratio, or reducing the class size;
- (2) School-Community Based Management; and
- (3) The formulation of the State's eight (8) goals for education.

"But, there is one basic item that needs to be addressed that would help make the above accomplishments meaningful. To improve Hawaii's quality of education and create a clearer picture of Hawaii's educational structure, we need to focus on 'governance' -- the lines and scope of decision-making authority among the Board of Education, Department of Education, the Legislature and the Governor, and other governmental agencies such as the Departments of Budget and Finance and Accounting and General Services, the collective bargaining organizations and units, as well as districts, schools and other parties.

"The open and organized discussion of governance will:

- (1) Bring about a better understanding of everyone's roles in the efforts to bring about quality education for Hawaii's students; and
- (2) Bring about the need to restructure and reorganize the system in order to further advance the implementation of the concept of School Community Based Management (SCBM) and school decentralization; in other words, shared decision-making through working relationships.

"As we embark on the many avenues toward education reform, a clear understanding of governance, or the decision-making process, is essential. The measure before us provides the necessary vehicle.

"The task force will conduct public informational meetings throughout the State, soliciting public comment, and promoting debate and discussion on the issue of governance of the public school system. In addition, the roles, relationships and functions of other agencies, departments or organizations bearing either direct or indirect impact on the educational system, will also be examined.

"An understanding of the decision-making process is crucial if we are to make significant strides in public education.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1748, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC EDUCATION," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 61 on H.B. No. 955, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 955, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 62 on H.B. No. 954, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 954, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"In Hawaii, we've heard much about our diminishing landfill space. We discard at least 16,000 tons of office paper per year and annually discard enough tires to build a 30 foot wall around Diamond Head. Our remaining landfill disposal capacity is estimated to last for only about fifteen more years.

"Mr. Speaker, this bill seeks to address or solve the waste problem in a comprehensive manner. This bill, among other things, will establish an Office of Solid Waste in the Department of Health; require community input and participation in future waste management and resource recovery activities; create a framework of integrated waste management on both the state and county levels; and establish waste reduction goals. Our goal, Mr. Speaker, is to reduce our solid waste stream by fifty percent by the year 2000 through either source reduction, recycling, or bioconversion.

"I would like to thank the Administration and the counties for sitting down and working together to develop this bill which takes a big step forward toward dealing with our growing solid waste stream. This bill is not the end of our problem, Mr. Speaker, but a very comprehensive way to start the solution.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 954, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 63 on H.B. No. 1955, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1955, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COOPERATIVE STUDY BETWEEN THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNITED STATES GEOLOGICAL SURVEY FOR THE PURPOSE OF CONDUCTING AN ANALYSIS OF THE STATEWIDE WATER RESOURCES MONITORING PROGRAM," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 64 on H.B. No. 895, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 895, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, this is an excellent bill of, by, and for the Hawaiian people. It will redress the land controversies between individuals with Hawaiian Homes land claims and the State of Hawaii, something heretofore that has not been allowed. It will give Hawaiians the same property rights or redress to property rights that others have had for years.

"I think this bill reminds us that it's been since 1920 when we've attempted, through this body and through others, to get the Hawaiians on the land and, Mr. Speaker, I've said before and I'll say it again -- I think helping the homeless and all those that cry out for help in this State, the litmus test -- the landmark -- if we're able to help anybody, it is with the indigenous people of this State.

"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. 895, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HAWAIIAN HOME LANDS TRUST CLAIMS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 65 on H.B. No. 889, HD 1, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LITERACY," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 66 on H.B. No. 1038, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1038, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"While the media has declared this the Year of the Work Place and because of the landmark bill, the family leave bill, the minimum wage bill, there hasn't been much fanfare about Unit 3 collective bargaining contract. But this group is probably the most overworked and underpaid group that we have. They're the backbone of government agencies. Many of them are women -- they are the clerical, the secretaries, in the unit. They keep the process going.

"I found some testimony that I gave about this unit ten years ago, and at that time I urged the Legislature to honor them by not giving them long-stem roses, but long-term raises. I think, finally, we are going to do that and in moving towards pay equity, I'm really pleased and I commend Representative Takamine and the Finance Committee and the fact that they did extend the session and they were able to ratify their contract and we were able to fund this bill. I am very pleased for Unit 3.

"Thank you very much."

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

"The raise will be much needed for this group after the blitz of paperwork that will descend upon them with House Bill 1379.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1038, HD 1, SD 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 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 67 on H.B. No. 1039, HD 1, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1039, HD 1, SD 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 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1699, 1748, 955, 954, 1955, 895, 889, 1038 and 1039 had passed Final Reading at 2:44 o'clock p.m.

Conf. Com. Rep. No. 68 on H.B. No. 1040, HD 1, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 1040, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING

APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 69 on H.B. No. 362, HD 2, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe 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 SPOUSES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 70 on H.B. No. 1177, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1177, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Thielen rose to speak against the bill, stating:

"Basically, my reason for speaking against this bill is that the totally electronic voting system comes at a ten million dollar cost at a time when our human services budget has been cut by ten percent. I don't think that's a good use of money this year in the circumstances that we have with the tight budget.

"Thank you, Mr. Speaker."

Representative Metcalf, in rebuttal, stated:

"With respect to the comments of the previous speaker, the State of Hawaii, unfortunately, has no other alternative. The punch-ballot machines that we currently use has fallen into disrepair and nobody makes the machine. The people that make the paper ballots are also getting out of the paper ballot business and for that reason, Mr. Speaker, the State was compelled to move ahead so that Representative Thielen and others could get re-elected two years from now.

"Thank you."

Representative Say then rose on a point of clarification, saying:

"In reference to Cynthia Thielen's comments in reference to Conf. Com. Rep. No. 70, House Bill 1177, she stated for the record on this floor that there was a ten percent decrease in funding for social services. I have papers here to show an eleven percent increase, Mr. Speaker, so I want to clarify it for the record that there is no ten percent decrease in social services funding. And if anyone wants to see it, it's for the public to view it at this point.

"Thank you."

Representative Thielen then rose and stated:

"The facts that I was given were different. I hope that I was incorrect because I would much prefer an eleven percent increase, and I appreciate Representative Say for bringing that to my attention.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1177, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR A TOTALLY ELECTRONIC VOTING SYSTEM," having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Alcon, Tatibouet and Thielen voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 71 on H.B. No. 608, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 608, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 72 on H.B. No. 844, HD 1, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 844, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVING THE STATEWIDE RAINFALL AND FLOOD INFORMATION SYSTEM," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 73 on H.B. No. 865, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 865, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 74 on H.B. No. 24, HD 1, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 24, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 76 on H.B. No. 598, HD 2, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 598, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 1040, 362, 1177, 608, 844, 865, 24 and 598 had passed Final Reading at 2:50 o'clock p.m.

Conf. Com. Rep. No. 77 on H.B. No. 701, HD 2, SD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 701, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET,"

having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 78 on H.B. No. 1021, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1021, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, this tax increase overwhelms me with a sense of *deja vu*. For those of us who watch TV, tax hikes in this State are like the pink bunny in the energizer battery commercials -- you never know when they're going to show up, but when they do, they keep on going...and going...and going.

"Last year, we authorized the counties to levy their own 1/2 percent general excise tax for mass transit. This year, another 1 percent county G.E.T. increase popped up and just as quickly was shot down. Now, it's a 5-cent per gallon hike in the gas tax -- a whopping 45 percent increase from eleven cents to sixteen cents.

"In reality though, we'll be paying more than five cents extra, because the distributor is going to be paying one cent per gallon, and you know the dealer will be passing that right on to us along with his regular margin of profit on that and the five cents added.

"But that's not all! Motor vehicle registration fees will double to \$20 per year. And the vehicle weight tax for a car weighing 4000 pounds will increase to about \$30, while a car weighing up to 7000 pounds will cost about \$70. Now, if you happen to be driving an Abrams Tank, or any other vehicle over 10,000 pounds, you'll pay a flat \$150.

"And let's not forget the rental cars either. They'll get nicked \$2 per car per day, and tour vehicles between \$15 and \$65 per month according to size.

"A couple of weeks ago, I was pleased to see the results of a **Honolulu Star-Bulletin/KGMB** news poll which found that Hawaii voters have had enough of continual tax hikes, and are more than ready to scale back government to get its hand out of their pockets. The people became so outraged with the possibility of a 1 percent increase in the G.E.T. that they flooded this building with calls and letters and that bill was flushed -- just as this one should be.

"The people have sent an unambiguous message that they want spending reduced and efficiently managed before any more taxes are considered.

"Obviously, and most unfortunately, their message is now falling on deaf ears, because this bill is before us today.

"While I can rationalize having those who drive pay for needed highway expenditures, it is all too easy to ignore the very serious questions of equity and fiscal propriety entailed in this approach. We legislators should all be asking each other whether this plan is equitable, and whether it would even be necessary if government were spending tax dollars wisely, effectively, and efficiently.

"Some people may never miss the extra 5 cents per gallon, the extra money spent each year for vehicle weight taxes and registration; however, I wince because my Jeep gets nine miles per gallon.

"But those of modest means, those who live in rural areas, and those on fixed incomes certainly will!

"Government is in serious need of serious economic reform! It is disturbing how frequently we opt to place the burden of regressive revenue increases squarely on the backs of those who are least able to pay.

"This highway fund bailout plan is not only regressive, but is particularly unfair to rural and neighbor island residents. Most Oahu residents have access to adequate public transportation as an alternative to the automobile. If they so choose, they can use this and car pool to avoid the increased taxes and traffic headaches. However, people on Oahu need to clearly understand that public transportation is woefully inadequate or completely unavailable to neighbor island residents.

"No proponent of this measure has thus far deigned to even address this argument.

"As a neighbor island representative, I find it especially upsetting that the neighbor islanders will be forced to shoulder the burden for spending on Oahu. It is not improvements to neighbor island roadways which have depleted the fund, but major projects on Oahu. The biggest drain on highway spending is the H-3 Freeway project which will certainly not benefit anybody on the neighbor islands. In fact, there is no federal money dedicated to neighbor island highway projects in this year's budget at all.

"Frankly, I am dismayed and disappointed at the mute reaction of most of my neighbor island colleagues to this tax hike which is so unfair to their own constituents. Their silence has been deafening.

"But the most important issue which is almost always ignored during our frequent considerations of tax increases is that of the State's inefficient and questionable spending practices. How can we spend so much on our highways and on all of our other programs and get so little in return? More attention needs to be spent by the Legislature, the media, and the public, on the State's poor management and questionable contracting and spending practices before we act like sheep and hand over more money without demanding accountability in return.

"When are we going to decide that we can do a better job of establishing our spending priorities logically? I would hope that taxpayers might be absolutely outraged that their hard earned wages are paying for celebrations of wine, historical figures, ethnic communities, a space year, and an extravagant multi-million dollar Judiciary complex planned for a tsunami zone, at a time when we are not funding the 20:1 third grade student to teacher ratio, or supporting our Class VII teachers, and at a time when higher taxes are looming on the legislative horizon.

"When told that the State can tighten its belt no further, taxpayers should think about continual mismanagement and bailouts of the community hospitals, new and old sports stadiums, and major cost overruns and delays in the State Capitol and State Library renovations as well as other construction projects, all this despite millions being spent at the design and planning stages. Many well-connected people are making out like bandits on these contracts, and the hardworking taxpayers are picking up the tab.

"These kinds of spending practices may be why the general excise tax revenues from fuel sales are to be taken out of the Highway Fund and returned to the General Fund as part of this bailout. Just what is being bailed out here? Taxpayers are being told to cough up another

\$133-million per year to save their roads, and meanwhile \$21-million is being taken out of the Highway Fund and slipped back into that black hole called the 'General Fund.'

"Now this is truly highway robbery, brought to you by Marshall 'Wild Joe Souki-tumi' and his band of 'tax us' rangers.

"Mr. Speaker, I strongly urge this body to face up to our fiscal responsibility. That responsibility entails more efficient spending. That responsibility entails scrutiny of suspicious contracting and sweetheart deals. That responsibility entails a setting of priorities which provides for the needy rather than the needless.

"If we don't face up to these responsibilities, then this body will undoubtedly win its place in the **Guinness Book of World Records** for ensuring Hawaii's long reign as the undisputed number one tax hell that we are.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, the island of Hawaii, as the largest island, is already penalized because of the long distance people have to drive to get to work. The entire island of Oahu would fit into my district and people drive from the bottom of my district to the top of his (Representative O'Kieffe's) district which is another island of Oahu. If you were to put the two of them together, you'd just barely cover. . .not even a whole two districts. It's just to give you an idea of the amount of travel that is taking place. People live in South Point and drive to South Kohala to work in the hotel industry.

"We already are taxed extra on the island of Hawaii that you don't have over here. We have, I think, one of the highest gasoline prices in the State. I think that what we have to do is look at a new source of revenue. It doesn't work anymore to continue to tax the people who can ill afford it, and it's the ones who are in the service industries that are having to pay the most because they're the ones driving to the hotels.

"I would like to suggest that instead of a gas tax, which is the five cents added on which is going to be matched by the federal government very shortly, you will all be having ten cents per gallon just on Oahu so add that on to what we already pay on the Big Island. It seems to me that we have to look at government subsidy for highways rather than just the gas tax, the transit car rental tax, registration, and all the other things. They will all add up but eventually what will happen is that the people who will get hurt are the ones who can least afford it.

"So I cannot support this highway tax -- the extra five cents. The rest of it, I can swallow with difficulty, but I personally have a problem with the five cents.

"Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I am somewhat amazed and surprised that people would speak against this bill when they have known for so many years that the Highway Fund is on the verge of bankruptcy and cannot take care of itself because years back, in 1982, we diverted the General Fund into the Highway Fund. The General Fund does not belong in the Highway Fund. The Highway Fund is a user fund, Representative O'Kieffe. When you use the highway, you pay for the highway. It pays for your own upkeep.

"The General Fund revenues supply all the services that we have that you say we so needlessly spend but, at the same time, we're looking for more money for education and for health and et cetera and et cetera. That General Fund belongs where it is -- in that black hole, as you call it. The General Fund provides for services that you so much want.

"Also, I hate to say this but the Big Island, with its long roads and very few people travelling on the road, is the one that eats up into the Highway Fund more than anyone else because you don't have users travelling on that road so other counties must pay for the cost of maintaining the roads that you travel on, Representative O'Kieffe.

"And this Highway Fund provides some equity. Nobody wants to pay taxes -- who does? However, the responsible thing to do is to say that if the fund that we have cannot pay for the maintenance, if it cannot pay for future highways that we need to purchase, or to take over from the county to the State, like the Saddle Road on the Big Island which is currently under the county, and for years has been saying that it should be going over to the State -- this Highway Fund and this tax will enable this Saddle Road to be turned over to the State. And heaven forbid when it does because the expense to maintain the Saddle Road would be horrendous! We'll probably have to come back and raise the tax again.

"But members, and especially those who don't like taxes, taxes are just like medicine -- sometimes you have to take it for your own good. And the Highway Fund is a user fund. You should not have other funds diverted into this fund other than those who use the highways. It is only fair and it is only just.

"Thank you very much, Mr. Speaker."

Representative Metcalf then rose and stated:

"I was in opposition to this measure and now I support it, being convinced by Representative Souki's wisdom. Actually, speaking as Representative Metcalf on the same subject, Mr. Speaker, I would just ask that the Finance Chairman's remarks on the subject be included in the Journal as my own, and the Chair "so ordered." (By reference only).

Representative Bellinger then rose and stated:

"You know, I've had mixed emotions on this particular bill, in terms of whether or not to actually vote for it or to vote against it. In one hand, we've been trying very conscientiously not to add taxes and I think that the House in particular, over the last several years, has looked at ways to try and reduce those taxes. The quandry becomes clear in this particular situation. We all enjoy the privileges of utilizing our highway systems but somebody is going to have to pay the nickel. . .on this case, it really is a nickel.

"I've already handed in a green slip to vote no on this particular bill and I'm going to have to change my mind and actually support the bill. It's definitely a user fee. I think, as we look at this from a statewide perspective, it's going to be in the best interest of improving our highways.

"I'd also like to make one comment in reference to Representative O'Kieffe and his reference to the H-3 Freeway. Part of the reason that the extent of those H-3 funds. . .the Highway Funds are being impacted there was because of the amount of time that that particular project has been tied up in the court for the many long

years and the hundreds of million dollars in additional cost that those delays had caused. So, I don't think you can really look at just one particular project and say that that ended up being the boogeyman that drained the State Highway Fund.

"Thank you."

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

"While I believe I am correct in stating that I have been opposed to all tax increase measures that have come before the House during my short tenure here, I rise to speak in favor of this bill which is a modest user fee increase. Mr. Speaker, it would be hypocritical of me to do otherwise.

"For the last sixteen years that I have lived in Hawaii Kai, the people of my community have expressed their desire for an improvement on that Kalaniana'ole Highway for a smoother and safer travel along the corridor. Without the Highway Fund, this project would not be possible. Thus, it would be hypocritical and unreasonable of me to advocate, on behalf of my community, for an improvement on that Kalaniana'ole Highway but not provide for the proper funding of this highway project.

"Thank you very much."

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

"As a Windward commuter for over twenty years, I know what it is like to drive back and forth over that highway. For at least a decade, we have been calling for contra flow. The Department of Transportation has not answered those cries of the commuters.

"First of all, the reason for not answering the need for a contra flow was that it would be unsafe. And then I go across the Golden Gate Bridge in peak traffic and on that bridge, they have contra flow with the traffic divided just by cones and it works!

"So we are going to be taxed for an increase for the State Highway Fund and yet we have the State Department of Transportation that has failed to address the problem that Windwardites are faced with day in, day out, year in, year out -- the need for contra flow and to get that contra flow show on the road.

"Thank you, Mr. Speaker."

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

"I rise in opposition to the five cents gas tax. I'm not against the Highway Fund. Who's against the Highway Fund? That's against motherhood and apple pie.

"You get what you pay for. Remember the saying -- you get what you pay for? Well, we've paid and what have we got? We got a lot of potholes so we're saying, well, we got to get a little bit more money to fix the potholes. If that's true, why do we increase it by five cents and then take the four percent G.E.T. tax out of the State Highway Fund?

"To me, that is where the logic of this bill and where voting against it is hypocritical. Even I live in Hawaii Kai and that is as logical as any reason for why we shouldn't be raising taxes. If we don't get the mileage out of the money that we pay, why should we be paying

more for inefficiency? So a five cents increase in the tax, if we have the four percent in there, may do an impact.

"What I am afraid, Mr. Speaker, is that this is going to set up expectations in the community that we're actually going to finish and fill those potholes and then we're going to find out we actually don't have the money. And that's going to be sending the wrong signal and the 'T' word, I think, is at a very inappropriate time at this session.

"Thank you."

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

"Mr. Speaker, this is not a tax. You know, if you don't have to drive, you don't have to buy gasoline. What you should do is go down to the Office of the Mass Transit and get a bus pass. That would cure all the problems of taxes.

"Also, Mr. Speaker, if you don't want to spend a lot of user's fee, I would suggest that those people who are opposed to this bill buy a moped. I noticed that they are not being taxed.

"Thank you, Mr. Speaker."

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

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

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

"Mr. Speaker, similar to the vast majority of states across our nation, Hawaii's construction and maintenance program for our State highways is supported primarily by highway user fees. These user fees, which are generally not sensitive to inflation, were last reviewed by the 1985 State Legislature. At that time, Mr. Speaker, the Legislature adopted a financial plan envisioned to meet our highway maintenance and construction needs over a six year planning period. That six year planning period, Mr. Speaker, will end this June.

"In order for us to continue to meet the highway mobility needs of our State, it is imperative, Mr. Speaker, that we provide an adequate source of revenue to support our highway maintenance and construction program.

"Anticipating the emergence of this issue this session, we began our review of the highway special fund way back in 1988. Since then, we have identified and evaluated a multitude of revenue enhancement options, including proposals to implement weight/distance fees; an indexed motor fuel tax; a new automobile, rental motor vehicle and tour vehicle surcharge; central business district parking fee surcharges; a driver's license surcharge; and the diversion of revenue into the Highway Fund from existing sources. With the Legislature in the past two sessions successful in authorizing the use of existing revenue from the Airport Special Fund and the General Fund for highway construction projects, and with the prospects of continued support from these sources unlikely, it became very, very apparent, Mr. Speaker, that the 1991 State Legislature would be faced with two options -- to increase existing user fees, or to create new sources of revenue for the Highway Special Fund.

"House Bill 1021, HD 2, SD 2, CD 1, has essentially blended both into a revenue enhancement plan designed to address our highway maintenance and construction

needs over the next six years. In addition to increases in our existing highway user fees, this measure creates two new user fees in the form of a rental motor vehicle and a tour vehicle surcharge. With these new surcharges, the revenue base of the Highway Special Fund will be broadened, thus alleviating an overdependence on any one source of revenue. This will result, Mr. Speaker, in a strengthened Highway Special Fund supported in its entirety by a wider range of user fees.

"I most certainly believe, Mr. Speaker, that this bill represents a fair and equitable revenue enhancement plan which will allow us to continue to provide the roads and highways necessary to meet the ground transportation needs of our State.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," having been read throughout, passed Final Reading by a vote of 37 ayes to 13 noes, with Representatives Anderson, Bainum, Bunda, Duldulao, Fukunaga, Hiraki, Isbell, Marumoto, O'Kieffe, Tatibouet, Thielen, Ward and Young voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 124 on S.B. No. 1462, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, Conf. Com. Rep. No. 124 and S.B. No. 1462, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOVING IMAGE PRESERVATION," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 125 on S.B. No. 1567, SD 1, HD 1, CD 2:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1567, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"I totally support the concept and the intent of this bill. I am only disappointed that in spite of requests, as the bill moved along the way, to recognize the needs of the tourism industry in this regard, that they were overlooked and I hope that, perhaps next session, an amendment can be made to this bill before it becomes effective since tourism is the largest industry in our State. Unfortunately, many of our visitors do smoke and we do have to serve these people, that the vending machines in what are called the 'back of the house' areas of hotels which do not have public access can be also one of the areas permitted as our bars and cabarets under this proposed legislation.

"So, I will be in favor of the bill but with the hope that you all will understand in another year that we do need a little leeway with an additional amendment.

"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. 1567, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," having been read throughout, passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives Anderson,

Hashimoto, Honda, Horita, O'Kieffe, Say, Souki and Yoshimura voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 126 on S.B. No. 246, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 246, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 127 on S.B. No. 1340, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1340, SD 2, HD 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 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 128 on S.B. No. 809, SD 1, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 809, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DESIGN AND CONSTRUCTION OF A BIKE PATH AND WALKWAY," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 129 on S.B. No. 1511, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1511, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Tam 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 Tam's remarks are as follows:

"I speak in support of Senate Bill 1511, SD 1, HD 1, CD 1.

"The funding of this request will provide Kapaa Elementary School, which presently shares the high school library facilities, with the necessary equipment and materials to serve students in grades kindergarten to grade six.

"While access and availability of appropriately graded reading and research materials is readily available and accessible for students in the State's urban areas, students in elementary grades who reside in non-urban areas are limited in their access to the library at their school.

"The response of Kapaa Elementary School teachers, parents and students is innovative -- and the modest cost will provide youngsters with access to reading materials.

"The proposal represents an inexpensive way to expose more children to good literature, where library use is limited due to large enrollments, lack of library space and inadequate staffing. If successful, this project will provide

insights into an exemplary low cost solution to increasing students' access to quality books and reading materials.

"I urge passage of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1511, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CLASSROOM LIBRARY INCLUDING A LIBRARY INVENTORY, MOBILE CARTS, AND SHELVING FOR KAPAA ELEMENTARY," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 130 on S.B. No. 1962, SD 2, HD 2, CD 2:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1962, SD 2, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 701 and 1021 and S.B. Nos. 1567, 246, 1340, 809, 1511 and 1962 had passed Final Reading at 3:35 o'clock p.m.

Conf. Com. Rep. No. 131 on S.B. No. 1224, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1224, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF COUNTY TRANSPORTATION SYSTEMS UNDER THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 132 on S.B. No. 1286, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1286, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 133 on S.B. No. 1338, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1338, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES AND CLASSIFICATION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 134 on S.B. No. 8, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 8, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, the people of the Big Island, and especially those in Puna, Kau and South Kona, had been in a desperate situation. Their lives have been kept on hold. They have not been able to get any homeowners' insurance because of the volcanic activities in these areas. This has literally put purchase, sales and construction of homes in the area at a standstill. Almost the entire southern third of the Big Island, that only truly affordable lands for affordable housing in the State, has been in jeopardy. The residents in these areas know and accept the risks of living in these areas because, for many of them, this is the only area they can afford to live in without subsidy by the State or county. Many of them have moved from the mainland, from Oahu, Maui or Kauai because they couldn't afford to purchase a home there. They created their own affordable housing and we need to acknowledge them for that.

"Senate Bill 8 will establish the Hawaii Property Insurance Association to assure the availability of basic property insurance in these areas and in so doing, restore stability in these communities.

"I would like to thank Chairwoman Hirono, Chairman Souki, our Insurance Commissioner Robin Campaniano and his staff, and the Hawaiian Insurance Council for their hard work on this measure.

"Thank you very much."

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

"Mr. Speaker, Senate Bill 8, relating to insurance, speaks of the difficulty of obtaining insurance in areas of volcanic activity, and I quote: '...Kilauea volcano eruption and lava flows have caused a serious problem for residents of certain areas of the Big Island.

"But it also speaks generally of the need to help others, and I quote again: 'The Legislature finds it is in the interest of the State to foster stability for people adversely affected by major natural disasters, and this purpose will be served by making basic property insurance available to such persons.'

"So with this intent expressed in the purpose clause of this bill, it continues: '...the purpose of this Act is to create an entity which will provide appropriately priced basic property insurance for owners and occupants of property in high risk areas for major natural disasters.'

"I interpret the bill to include all areas where residents cannot obtain insurance. In other words, I think the Hawaii Property Insurance Association created by this Act can draw up a plan to ensure that people who have an insurable interest in real or personal property in any area designated by the Insurance Commissioner can obtain this type of insurance.

"There are slide areas in the State, in addition to the land threatened by lava flows. There, owners cannot obtain insurance and perhaps could be covered by this bill. So with the hope of expanded coverage of this measure, I am voting yes.

"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. 8, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 135 on S.B. No. 113, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 113, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"As I spoke on April 9th, I would just like to say that I would have preferred that the entities that disturbed the natural environment which seemed to have created this problem be asked to be a partnership in paying for the solution of it.

"Thank you."

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

"My concerns are the same as expressed by Representative Tatibouet. I am in favor of Senate Bill 113 with that reservation."

Representative O'Kieffe then rose and stated:

"My sentiments are the same as Representative Tatibouet," and requested that Representative Tatibouet's remarks be entered into the Journal as his own, and the Chair "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. 113, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHARACTERIZATION OF NON-CIGUATERA MARINE TOXIN IN REEF FISH AND ALGAE," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 136 on S.B. No. 1311, SD 1, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1311, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 137 on S.B. No. 1718, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1718, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 138 on S.B. No. 1797, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1797, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, it's been the focus of the women's caucus, both in the House and the Senate, to try to deal with the issue of domestic violence. We've dealt with it in a number of other pieces of legislation that will come before us with respect to the extension of protective orders, with respect to the extension of the cooling off periods, and no longer requiring mediation and so on.

"But I think that this bill in particular is another excellent step forward towards trying to deal with the problem of domestic violence. In particular, because it appropriates funds to the Commission on the Status of Women, not only to disseminate information about abuse and the resources available to victims, but also to examine the causes of domestic violence and abuse.

"It is our hope that if we can deal with the essential root problem, that perhaps someday, we will see a society that no longer has to deal with the problem of domestic violence. Therefore, I support this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1797, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 139 on S.B. No. 1737, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1737, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM FOR THE COMMUNITY-BASED DEVELOPMENT PROGRAM," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Hagino voting no, and Representative Peters being excused.

The Chair directed the Clerk to note that S.B. Nos. 1224, 1286, 1338, 8, 113, 1311, 1718, 1797 and 1737 had passed Final Reading at 3:42 o'clock p.m.

Conf. Com. Rep. No. 140 on S.B. No. 1792, SD 2, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1792, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 141 on S.B. No. 1839, SD 1, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1839, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BLOOD AND SALIVA TESTING," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 142 on S.B. No. 1858, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the

Committee was adopted and S.B. No. 1858, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF YOUTH SERVICES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 143 on S.B. No. 712, HD 2, CD 1:

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

Conf. Com. Rep. No. 144 on S.B. No. 2114, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2114, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Bainum 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 Bainum's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of S.B. No. 2114, SD 2, HD 2, CD 1.

"Indeed, improving the gateway to Waikiki will be of great benefit to the visitor industry. It is indeed essential to maintain and enhance the visitor experience.

"Even more importantly, this measure will enhance, beautify and, by providing for extra traffic lanes, add to the safety on residents as well.

"This bill, as amended, is sensitive to the reservations expressed by various members of our community (such as surfers and boaters) concerning a proposed parking garage at the harbor.

"As amended, this bill is the beginning of efforts that will greatly improve the important gateway area to one of our State's most special communities -- special to both residents and visitors alike.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2114, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALA MOANA GATEWAY IMPROVEMENT PROJECT," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 145 on S.B. No. 1297, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1297, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 146 on S.B. No. 9, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 9, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A

DEPARTMENT OF ENVIRONMENTAL PROTECTION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 147 on S.B. No. 731, SD 1, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 731, SD 1, 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 49 ayes to 1 no, with Representative Bellingier voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 148 on S.B. No. 1045, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1045, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Thielen rose to speak against the bill, stating:

"I do not believe that we should abolish a ceiling or a set figure for the salary for the President of the University of Hawaii. We have turned that responsibility over to the Board of Regents for a period of five years. If that salary set is higher than this body believes it should be, it will be very difficult five years from now to come to grips with that and reduce the salary. I think that is something that should stay within the Legislature to determine in this body, and I don't think it should just be a so-called 'open checkbook' for the Board of Regents.

"Thank you, Mr. Speaker."

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 would like to say a few brief words in support of S.B. No. 1045, SD 1, HD 1, CD 1, which proposes to remove the statutory ceiling presently imposed on the University President's salary.

"In testimony given earlier before committee, the following facts and stats were revealed:

- (1) The current statutory ceiling of \$95,000 per annum places the University of Hawaii in the lowest quartile of chief executive salaries among comparable institutions.
- (2) In 1990, a distinguished University personnel think tank conducted a study and found that the median salary of chief executive officers at comparable institutions was \$146,500.
- (3) A recent article published in the **Chronicle of Higher Education** which indicated that among the chief executive officers heading the largest public education institutions within the fifty states, the President of the University of Hawaii is currently one of the lowest paid and receiving fringe benefits that are considered standard in the presidential arena.

"Most reasonable people in Hawaii know that if we want to keep top talent to lead what is in my mind perhaps the State's most important institution, we must lift the present salary cap. As legislators speaking out for the people of Hawaii, we must send a message to President Simone and to the future top-rated talent that will someday be called on to replace him.

"The message to them, and to schools like the University of Colorado, is that the people of Hawaii really do value higher education in this State.

"The time for debate is over. We must act now and prove our commitment.

"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. 1045, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and Representative Peters being excused.

The Chair directed the Clerk to note that S.B. Nos. 1792, 1839, 1858, 2114, 1297, 9, 731 and 1045 had passed Final Reading at 3:45 o'clock p.m.

Conf. Com. Rep. No. 149 on S.B. No. 1167, SD 2, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1167, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 150 on S.B. No. 1379, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1379, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Arakaki rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1379 with a few recommendations.

"Senate Bill 1379 embodies the concern of a burgeoning Chapter 42 budget which, this biennium, reaches a sky high \$155-million in purchase of services and grants-in-aid. The extraordinary increases in the total budget which would rival some departmental budgets is truly a cause for our concern but I am just wondering, perhaps if the alarm over the phenomenal increases is an overreaction, could it be that the increases in the number of agencies and in the cost of their contracts are reflections of the increasing complexity and numbers of social ills? The growing number of private agencies servicing the State, I believe, is an indication that the private sector has proven to be much more effective and efficient in implementing new concepts compared to the ponderous State bureaucracy. The private agencies, with their ability to move workers in and out of positions, are much better suited to implement new programs than many of our State agencies.

"We may be intimidated by the total budget of the purchase of services and grants-in-aid and I feel there is a need to control spending and also to take the politics out

of the decision-making. But I'm really not sure if abdicating our responsibility to make those budgetary decisions and leaving it up to technocrats and accountants to make those decisions for us is the answer either. But I believe our Finance Chair showed wisdom in delaying the effective date of this measure to July of 1992. This will allow the departments time to develop the new rules and regulations as well as to allow the providers time to provide their input into the rule-making procedure and develop adjustments in their approaches to requesting funds for these purchase of services.

"In addition, my hope is that we, as a legislative body, will also use the interim to call together an interim task force to look at:

- (1) Developing ground rules for funding of purchase of services and grants-in-aid by the Legislature for the upcoming supplemental budget, especially in light of the expected rush of providers we probably will see, many of whom did not receive second year funding in our version of the budget.

"The other thing we should look at is the impact of this new statutes and explore ways, perhaps, and means of the Legislature providing guidance and priorities for the programs to the departments without having to add new funds.

"I ask that these recommendations be given serious consideration in our continuing effort to meet the concerns of the private providers, the advocates, and our State agencies.

"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. 1379, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Bainum, Isbell and Shon voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 151 on S.B. No. 2101, SD 1, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2101, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 152 on S.B. No. 2102, HD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2102, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

Conf. Com. Rep. No. 153 on S.B. No. 1381, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1381, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Tam rose and stated:

"Mr. Speaker and fellow colleagues, I speak in support of Senate Bill 1381, SD 2, HD 2, CD 1, relating to the creation of a commission for performance standards.

"As stated in Section 1 of the bill, the purpose of establishing standards is, 'to ensure that students in Hawaii's public school system are able to master basic skills and essential competencies necessary to succeed in life.'

"Given the accelerated pace of change in how students are educated, the innovations that are introduced, and the funding the Legislature will be asked to appropriate, the setting of performance standards is essential. Performance standards will establish a 'yardstick' against which programs and methods of teaching can be assessed, in comparison to the level of skills and knowledge students have acquired.

"The Commission will provide the Department of Education with direction to plan a student assessment program. As stated in Section 5 of the bill, 'the Commission shall:

- (1) Gather relevant data from a broad range of individuals and groups;
- (2) Conduct public forums to obtain broad-based community input on student performance standards;
- (3) Establish student performance standards based upon national goals for education, Hawaii goals for education, and the Hawaii Department of Education's foundation program objectives, student performance expectations, and essential educational needs;
- (4) Recommend realistic assessment methods appropriate for each recommended student performance standard;
- (5) Obtain baseline data reflecting current levels of achievement in the selected performance standards; and
- (6) Establish a schedule for development and implementation of these performance standards, assessment methods, and baseline data.

"Furthermore, Senate Bill 1381 can and hopefully will enhance:

- (1) The roles of students, parents, educators, legislators, business community, et cetera, in the establishment of performance standards; and
- (2) The relationship of the educational curriculum taught and needed in Hawaii's schools, which the Board of Education and Department of Education are currently revising and updating to that of performance standards.

"This bill has a direct relationship to funding needs.

"Thank you."

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

"I would just like to say that being a product of the public schools since the 1930's, I would have hoped that we had standards then and that we would have had

standards now and it would have been ongoing, and that our students would be more than able to go on to college and to perform better.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1381, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A COMMISSION FOR PERFORMANCE STANDARDS," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Peters being excused.

Conf. Com. Rep. No. 154 on S.B. No. 1812, SD 1, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1812, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that S.B. Nos. 1167, 1379, 2101, 2102, 1381 and 1812 had passed Final Reading at 3:54 o'clock p.m.

At 3:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:04 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1728) recommending that S.B. No. 1337, SD 2, pass Third Reading.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1337, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1729) recommending that S.B. No. 431, SD 1, pass Third Reading.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 431, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ETV HAWAII/ELEPHANT TELEVISION, INC.," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1730) recommending that S.B. No. 163 pass Third Reading.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 163, entitled: "A BILL FOR AN ACT RELATING TO ENERGY", having

been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

Representative Souki, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1731) recommending that S.B. No. 2122, SD 1, pass Third Reading.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SOCIAL AND EMPLOYMENT SERVICES INCUBATOR PROJECT FOR THE WEST OAHU REGION," having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that S.B. Nos. 1337, 431, 163 and 2122 had passed Third Reading at 4:05 o'clock p.m.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1732) recommending that S.C.R. No. 201, SD 1, be adopted.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.C.R. No. 201, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE LEGAL AID SOCIETY OF HAWAII," was adopted.

Representative Fukunaga, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1733) recommending that H.R. No. 68 be adopted.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE TRIAL COURT SYSTEM IN HAWAII," was adopted.

CONFERENCE COMMITTEE REPORT

Representative Ihara, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.C.R. No. 1, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 155) recommending that S.C.R. No. 1, SD 1, HD 1, CD 1, be Finally Adopted.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.C.R. No. 1, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO INITIATE DISCUSSIONS RELATING TO THE ESTABLISHMENT OF COOPERATIVE ASSOCIATIONS AMONG PACIFIC ISLAND STATES, TERRITORIES, AND NATIONS," was Finally Adopted.

STANDING COMMITTEE REPORT

Representative Hagino, for the Committee on Water, Land Use and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1734) recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON THE EXCHANGE OF PUBLIC LAND FOR PRIVATE LAND," was referred to the Committee on Finance.

At 4:06 o'clock p.m., Representative Taniguchi asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:08 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the rules were suspended for the purpose of reconsidering action previously taken.

RECONSIDERATION OF ACTION TAKEN

Representative Arakaki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate to H.B. Nos. 547, HD 3 (SD 1); 665, HD 1 (SD 1); 966 (SD 1); 1116 (SD 1); 1604 (SD 2) and 2119, HD 1 (SD 2), seconded by Representative O'Kieffe and carried.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 249, HD 2, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 249, HD 2, and H.B. No. 249, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 547, HD 3, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 547, HD 3, and H.B. No. 547, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 665, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 665, HD 1, and H.B. No. 665, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION AND ESTABLISHING A CONDOMINIUM PROJECT POSITION," having been read throughout, passed Final

Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 966, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 966, and H.B. No. 966, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 1007, HD 2, SD 2, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1007, HD 2, and H.B. No. 1007, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 1116, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1116, and H.B. No. 1116, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO REVIEW THE LAWS RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 1275, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1275, and H.B. No. 1275, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY IN PROVIDING A HEALTH CARE FACILITY TO THE GENERAL PUBLIC," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 1604, SD 2, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1604, and H.B. No. 1604, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 2049, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2049, HD 1, and H.B. No. 2049, HD 1, SD 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE

ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OLOKELE SUGAR COMPANY IN IMPROVING ITS ELECTRICAL POWER GENERATION CAPABILITY," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 2117, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2117, HD 1, and H.B. No. 2117, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TELECOMMUNICATIONS AND THE DISABLED," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

By unanimous consent, H.B. No. 2119, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2119, HD 1, and H.B. No. 2119, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH AND HUMAN SERVICES," having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 249, 547, 665, 966, 1007, 1116, 1275, 1604, 2049, 2117 and 2119 had passed Final Reading at 4:24 o'clock p.m.

By unanimous consent, H.C.R. No. 146, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 146, HD 1, and H.C.R. No. 146, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO TAKE IMMEDIATE ACTION ON THE LEASE OF STATE LAND AT PU'UWA'AWA'A," was Finally Adopted.

By unanimous consent, H.C.R. No. 335, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe 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 THE DEPARTMENT OF TRANSPORTATION TO REPORT ON THE STATUS AND MAINTENANCE OF THE HONOLULU GATEWAY BEAUTIFICATION PROJECT," was Finally Adopted.

At 4:25 o'clock p.m., Representative Taniguchi asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:30 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 12 on H.B. No. 936, HD 2, SD 1, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, Conf. Com. Rep. No. 12 and H.B. No. 936, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW FLOW WATER FIXTURES AND DEVICES," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 143 on S.B. No. 712, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 712, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Tatibouet rose to speak against the bill, stating:

"This refers to a public service company tax exemption. I find even the title is a little misleading since the present law calls it a common carrier exemption.

"I am deeply disturbed that this proposed legislation is targeted to provide excessive financial aid to a foreign-owned business that has already done business in Hawaii for over ten years. Millions of dollars of aid in the form of tax exemptions have been given during this past decade by means of not one, but two major tax exemptions, to American Hawaii Cruise Lines.

"First of all, it's the one that this bill speaks to which is an exemption from the GET tax of four percent, but what many people still don't seem to realize is that they're exempt because they are not mentioned in the tax law, from the TAT or the transient accommodations tax of five percent, which means that American Hawaii Cruise Lines is actually exempted nine percent.

"While this particular bill addresses only the GET tax exemption, I think it's important that my colleagues consider this exemption and consider the existence of both of them. It should be noted that these two special interest cruise ships are nothing more than floating hotels and therefore should be subject to the same obligations and treatment as all other lodging facilities in the State.

"There have been no findings to successfully support any aspect of this special interest legislation. In fact, any legitimate findings would be against such legislation as we are considering today.

"This bill is discriminatory. The State is discriminating against locally-owned hotel companies such as Outrigger Hotels Hawaii, and Hawaii Pacific Resorts, and a myriad of other hotels, in favor of a very successful and profitable out-of-state holding company which owns American Hawaii Cruises.

"Senate President Wong introduced this tax exemption bill for American Hawaii Cruises because, as he said, 'It's a good thing; they provide a hell of a lot of jobs.'

"Again, I would like to point out to President Wong and each of you here today that our locally-owned Outrigger Hotels, as well as our out-of-state owned Sheraton, Hilton, Hyatt, Westin, et cetera, also provide to you, Senator Wong's words, 'a hell of a lot of jobs.' They have many thousands of employees. Why then should they not also be exempt from the GET tax, or for that matter, the TAT as well?

"In reviewing the testimony given by American Hawaii Cruises, I again can find no line item cost apart from the dry docking trips to San Francisco that they must make. They would defer from the normal cost of operating a hotel in this State.

"Our land cost in Hawaii, together with the millions of dollars in property taxes that our hotels must pay, well exceed any of their dry docking costs. Further, every mention of direct or indirect benefit to the State in revenues that American Hawaii Cruises states can be said identically for the non-floating hotel industry. American Hawaii Cruise Lines' own testimony clearly states exactly why their operating costs are no different from any other hotels. They say they have to maintain a very high quality of service to compete. So, Mr. Speaker, do all hotels. They say, 'Can they maintain such high quality without State support?' All other hotels manage to do so. They go on to say that the Legislature must appreciate the negative impact of such a tax, were it to be imposed, would have on their competition in their industry. I would say it has the same negative impact on all other Hawaii hotels.

"What is so special about American Hawaii Cruise Lines? Why are my colleagues granting a special privilege to owners who are non-citizens of our State to use as the tourists who are non-constituents of your districts? Is it because American Hawaii Cruise Lines give large political favors and contributions to so many legislators? It's the only reason I can think of. How, when we have had to not fund so many needed programs in these difficult times can we so easily give up the millions of dollars in tax revenues for the next five years that this bill represents?

"For these reasons, Mr. Speaker, I very strongly cast my vote against this bill which grants such a unique favor to one business over all others.

"Thank you."

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

"Mr. Speaker, I notice in this bill that there is a provision for an annual report. It should be an annual pollution report. These vessels have repeatedly, in my view, flaunted our pollution laws, flaunted the respect which the waters of this State deserve for any vessel plying its trade. I think that this was, at one time a well intentioned, 'oh, let's keep this industry going,' but for many, many other reasons, as stated by the previous speaker, it is no longer appropriate. After ten years, they're still asking for an extension.

"Just last week, one of our harbors was once again polluted by one of these vessels. It's about time that we stop giving favors to those who only provide undesirable impacts to us.

"Thank you."

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

"It's been stated that we should be neither a knee-jerk labor or a knee-jerk business, but I think this bill is listing a bit to the right and it's not an even playing field that's been set up. There's an exception of the four percent G.E.T. tax, the justification of which seems very weak and it's a single business.

"There are twenty to thirty thousand small businesses crying out for our assistance, and we have not assisted them. I think where the need is being overlooked, but I think those twenty thousand small businesses are watching us on this one and watching us closely.

"Thank you."

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

"Mr. Speaker, the reason I'm doing so is, as I had said earlier, any business that we can give exemptions to, I am for. In the past, we have done it for the airlines, we have helped the hotel industries when need be -- anybody that generates tax dollars in businesses. With the way the taxes are rising, if there is any way to help to exempt them, I most certainly would.

"And I double-checked because of the mention of fundraising and we did for instance. . . I received I think some \$500 in tickets that we sold. With my fundraiser, I most certainly call it a 'FUN' raiser because we don't raise too much money. We do have a heck of fun, and where I hold my fundraiser we don't do too well, but we do sell a lot of tickets and for that reason, Mr. Speaker, no matter who it is, if I feel that it was for the good overall, I would vote for it, but I would vote against something if it was just because somebody gave me a few dollars.

"Thank you."

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

"The cruise ship general excise tax (GET) exemption rubs me the wrong way, and I bet I could safely say that every business in Hawaii that is required to pay the 4 percent GET would gladly submit an annual financial report in order to be exempt from this tax for five years.

"Today we pass a new gas tax on our residents. We hike the vehicle registration and weight fees tax on Hawaii's people and, on the other hand with the measure, we are exempting tourists from paying the 4 percent. Yes, I know the GET is assessed on the business, but the cost is often passed on to the consumer and, in this case, it is tourists. This point will be particularly galling to the taxpayers of Hawaii.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 712, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading by a vote of 30 ayes to 20 noes, with Representatives Amaral, Bellinger, Chun, Fukunaga, Hagino, Hirono, D. Ige, Ihara, Isbell, Kanohe, Marumoto, Okamura, O'Kieffe, Shon, Stegmaier, Tam, Tatibouet, Thielen, Ward and Young voting no, and Representative Peters being excused.

The Chair directed the Clerk to note that S.B. No. 712 had passed Final Reading at 4:40 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the rules were suspended for the purpose of reconsidering action previously taken in recommitting Conference Committee Report No. 31 and H.B. No. 1016, HD 1, SD 1, CD 1, relating to administrative license revocation, to the Committee on Conference.

FINAL READING

Conf. Com. Rep. No. 31 on H.B. No. 1016, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1016, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"This session, House Bill 1016 was introduced to amend the administrative license revocation law to ensure and facilitate a fair and effective process. It provides for the prompt revocation of a driver's license, whether there's probable cause to believe that the person was driving drunk. Although the House has worked long, laborious hours to ensure these purposes, the bill still neglects to correct a major flaw before this law takes effect in July.

"Because of this flaw, the prosecutors will now be required to prove that the driver was drunk without the objective evidence of a blood or breath test. This flaw, for practical purposes, Mr. Speaker, is extremely difficult to prove. Now, as Hawaii's administrative license revocation laws take effect, every driver can simply refuse to take the test and the prosecutor will be virtually unable to prove that that driver was drunk because there are no test results.

"The burden of proof under the current law is not the issue. Whether the burden of proof is beyond a reasonable doubt, or the lesser civil standard of a preponderance of the evidence, neither standard can be met because the law will soon allow every driver to refuse to take the test without any sanctions.

"Thank you for the opportunity to speak on this matter and I hope an additional opportunity will present itself in the future to rectify the grievous wrong.

"Thank you."

Representative Bellinger then rose to speak in support of the bill, with grave reservations, stating:

"I concur with the comments of Representative Metcalf. Last year, we labored long and hard in finally coming out with an administrative license revocation bill. This was designed to address the problems of DUI in a very expeditious manner but now, with the refusal of the Senate to make this necessary adjustment, basically by July 1, we would have created a mockery of the DUI law that we will have in front of us. Every single member of this House, every single member of our State, should be outraged by the irresponsible behavior that the Senate has shown in failing to address and to solve this problem.

"By July 1, if we have not been able to have some resolution on this, if we are not called back into a Special Session to fix this problem, Hawaii will be the laughing stock of the whole country when it comes to how we have chosen to address our DUI problem.

"So I would urge all of you to support this measure, to fix the parts of it that we can fix now, but also to urge your Senate colleagues, urge your constituents, to have the Senate get their act together. We need to have this thing fixed and we need to have it fixed by July 1.

"Thank you very much."

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

"I am voting against it out of frustration and anger and fear that after July 1st, each and every time I drive down the highway, someone who is intoxicated and feels

virtually no inhibition, in terms of law enforcement for that intoxication and that mixture of alcohol and gasoline, that those individuals will be more plentiful on the freeway, and that my life and the lives of our families will be in greater danger.

"I do not regard driving as a right, it is a privilege -- a privilege in the most dangerous vehicle. Driving is the most dangerous thing we do. Alcohol abuse is the most widespread negative drug abuse that we have in this society, in particular in Hawaii. It is just inconceivable that we would place the privilege of driving above the health and the safety of individuals in the community.

"I understand the principle upon which the Senate seeks to draw its stand, but it is inappropriately applied. It should not be the reason why we are held in greater peril on the highways which are already a danger to us. Regardless of what this bill has, it's what it doesn't have that leads to my 'no' vote, and to echo the words of our Judiciary Chair that we do hope that we will be back here before July 1st. It is imperative. This has been a very hard session on all of us. It's one of the few times on the last day when I thought, boy, am I glad this is over, but I would certainly be willing to extend another two days or come back again to fix this one and we better fix it.

"Thank you, Mr. Speaker."

Representative Arakaki then rose and stated:

"Mr. Speaker, I rise to also speak in favor of this bill with a lot of hope.

"First of all, I would like to commend our Judiciary Chairman for his efforts in trying to correct what is probably a grievous error in this bill. He tried every measure possible, up until the eleventh hour and even after that, with the hope that maybe this mistake could be corrected. But obviously, the ball is in the Senate's court. He's made the good faith effort in our behalf and we've had no response.

"I find it ironic that with all the criticism the House is receiving -- the verbal abuse we are receiving because of the budget deadlock -- that we were called stubborn and unyielding, I find it ironic, at this time, that now it's their unyielding positions that will not allow us to close the book with a clear conscience.

"I believe this mistake will hang like an albatross around our necks until the issue is resolved. And I do hold out the hope also for all of us that we can come together when tensions are cool and when people have had the chance to think the issues over, that maybe we can come together and correct the error in this bill.

"Thank you, Mr. Speaker."

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

"I couldn't agree with all the previous speakers. This bill is not exactly what the Mothers Against Drunk Drivers (MADD) and the Attorney General are working for, but it is a step forward and if the Senate does not pass a corresponding measure, we literally drop dead.

"We have no administrative revocation law and it sets us back many, many years. MADD and the Attorney General will have to start all over again. If the Senate does not pass this bill, it puts Hawaii back in 50th place as far as drunk driving in the United States is concerned. I hope we could do something about it soon.

"Mahalo."

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

"As a member of the Judiciary Committee, I would request that Chairman Metcalf's remarks be entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only)

Representative Bainum then rose and requested that his remarks, in favor of the bill with grave reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Bainum's remarks are as follows:

"As a conferee on this measure, I would like to inform the rest of the members of the House just how hard Chairman Metcalf worked to resolve this important issue. The lengths that Chairman Metcalf pursued to facilitate resolution to this problem were extensive. Despite the Chair's efforts, we as a body, we as a State, face a grave situation.

"As one who, in my professional capacity as a physician, I have all too often had to treat the victims of vehicle accidents. I have pronounced victims DEAD -- dead from the results of drunk driving. The spectre of an increase in the incidence of drunken driving disturbs me -- it frightens me.

"I am disappointed that due to the Senate's unwillingness to restore the implied consent provision, we find ourselves in this dilemma. For without this provision, more and more attorneys will advise their clients, or potential clients, to refuse to take the breath test -- to refuse to submit to the blood test.

"Without this provision, I fear we'll see a decrease in convictions, and will have more and more drunk drivers on the road -- and more fatalities.

"I hope that enlightenment on the part of the other chamber will be forthcoming and that corrections of this flaw will take place soon. If not in Special Session -- certainly next session -- for the safety of the entire State."

Representative O'Kieffe then rose and stated:

"I would like to go on the record expressing extreme outrage at this bill.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Shon voting no, and Representative Peters being excused.

The Chair directed the Clerk to note that H.B. No. 1016 had passed Final Reading at 4:52 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 427 to 432) were read by the Clerk and were disposed of as follows:

H.R. No. 427, entitled: "HOUSE RESOLUTION HONORING THE MEMORY OF DR. STANLEY M. SAIKI AND EXTENDING CONDOLENCES AND

SYMPATHY TO HIS FAMILY," was offered by Representative Tatibouet.

Representative Tatibouet moved that the resolution be adopted, seconded by Representative Marumoto.

Representative Tatibouet rose to speak in support of the resolution, stating:

"I would just like to briefly say that I am sure my colleagues join me in their wishes to Mrs. Saiki and her children in their bereavement, and remembering that she served in this body for many years, and that her husband, Dr. Stanley Saiki, being a medical doctor, was behind much of the medical legislation and especially the emergency medical services that we know in our State today. She worked long and hard with him and his colleagues to help make this possible and, in addition, the Sex Abuse Center at Kapiolani Hospital was set up during his term as Chief of Staff at that hospital, and I think it was the beginning of many other programs in the State which we find most helpful and beneficial today.

"She has moved on, obviously, to serve our State and our country in other ways, and I would just like to add the condolences of all of us to this resolution.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.R. No. 427 was adopted.

H.R. No. 428, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 64TH DAY," was jointly offered by Representatives Apo, Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 428 was adopted.

H.R. No. 429, 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 1991," was jointly offered by Representatives Apo, Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 429 was adopted.

H.R. No. 430, 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," was jointly offered by Representatives Apo, Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 430 was adopted.

H.R. No. 431, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE SIXTEENTH LEGISLATURE, REGULAR SESSION OF 1991, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 1991 AND 1992 SESSIONS,"

was jointly offered by Representatives Apo, Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 431 was adopted.

H.R. No. 432, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1991 AND THE CONVENING OF THE REGULAR SESSION OF 1992," was jointly offered by Representatives Apo, Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 432 was adopted.

ANNOUNCEMENTS

Representative Thielen rose and stated:

"In relation to the earlier remarks on Conference Committee Report No. 70, Representative Say's spread sheet shows a 77 percent decrease in CIP for social services. Due to the 77 percent decrease in CIP funding for social services, the overall total funding for social services is down 10 percent.

"Thank you, Mr. Speaker."

Representative Arakaki then rose and stated:

"Mr. Speaker, I just want to make note--people may have noticed that there was a nice plaque on our desks with a saying which I think we should ponder during the interim, but I would like to thank Representative Say for this unusual gift. I guess it's a closing day gift.

"Thank you, Representative Say."

Representative O'Kieffe then rose and stated:

"I rise to thank Representative Say for thinking of us in a very nice gesture. I think it's something to think about and while we have differed in this session this year, the one thing that we can leave with is one of camaraderie and I think a feeling of goodwill to everyone of us regardless of what party we belong to, what district we belong to. I think it's all embodied in what Representative Say has done, and on behalf of the GOP, I wish to thank you very much."

Representative Young then rose on a point of personal privilege "to thank Representative Say for the lovely saying there, but also to speak as a rather historic beginning for some of us.

"As one of the new members of this House, I was delighted to have the fun assignment of directing and writing the script for the acting debut of the freshmen class at the legislators' staff party. We had a great time entertaining all of you and we're pleased that you have asked for an encore. Unfortunately, we are not able to do one today but we are seriously considering a teenage mutant ninja turtle number two at the next party next session. We are certainly not a shy group nor at a loss for words, as you have probably noticed, and I thought perhaps I should paint a little more serious picture of the eight of us.

"There are eight of us and this is perhaps the first new class that you have where there is gender equity. There are four women and four men. Partisan-wise, there are three Republicans and five Democrats, but education is very important to the eight of us. Among us, there's one lawyer, one doctor and two PhD's, there are business people which is why we are all so concerned about that aspect of it too. We certainly have Representative Tatibouet with the Aston Hotels, we have Representative Morihara with his very well known Up Country Morihara Store, and here in Honolulu many of us have gone to Sekiya's which is also a family store here. We have a well known super community activist in Representative Chun, and a social worker, outward bound person in Representative Santiago. We have the freshness of youth in our group. We have the youngest at 29 years old, and we also have a bona fide card-carrying senior citizen and a grandparent amongst us. We count ten children, so the future is very important to this new freshmen class.

"And having said that, I'll speak for myself, and I thank every single one of you for making this the most enjoyable first session for me. As I said before, we're not shy or at a loss for words so I turn the rest of the speech to my fellow colleagues.

"Thank you."

Representative Morihara then rose and stated:

"I just want to thank all my colleagues for the pleasure, the honor, and the learning experiences I've had working with you all, and thank you again for your patience and your friendship, and I look forward to working with you again in the future.

"Thank you."

Representative Thielen then rose and stated:

"I also want to thank all of my colleagues and the freshmen members and the committee chairs that put up with a lot from the freshmen as we struggled to learn our way of how to do things the correct way and sometimes did them the incorrect way but they were always kind, and thank you very much to all of you."

Representative Ward then rose and stated:

"A freshman observation. This session, with its extension, has taken about as much time to get from one end of Kalaniana'ole Highway to the other and now I think we've reached the end. And as a freshman 'turtelator,' as Representative Young said, I want you to know that this has been a very exhilarating experience. It's like learning how to swim by being pushed into the water. We've learned a lot, we've made mistakes, but we're making it, and thank all of you for being our lifeguards.

"Aloha."

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

"This is probably the last time for many of us to be in this building. As you know, we will be moving out and being separated into various dissected groups, who knows where, across the street in various sundry places, but I would like to say that for all of us who have been here, this is probably one of the most beautiful buildings that I have ever had the pleasure to be in and certainly it is going to be different when we come back -- whoever comes back -- and we know that there'll be a different governor at that time, assuming that this takes four or five years.

"I would hope that the leadership makes it in one year or two and, perhaps, that's a dream but it seems to me that it's possible if we really push and try to get that done, but I think that all of us have a certain nostalgia about this place, and so many things happened in the course of time so for those of us who may not be back and those of us who will be back, I wish you all a fond aloha and wish for all of us a very short visit across the street.

"Thank you very much."

Representative Marumoto then rose and stated:

"I wanted to remark also that this may be the last time we will be here all together, that barring any change in plans, we will be in the new State Office Building, the SOB, as I'd like to call it, and that it will be a long time before we're all back and we all love this building. It's a beautiful building. We have to thank John Carl Warnecke Architects of San Francisco for it. It might not be totally functional but, you know, it's ours.

"I'm going to the SOB under protest, being placed in a windowless, broom closet office with battleship gray walls, and I liken it to a cell, but hopefully, I will be back in this building.

"I really resent the fact that the Senate staff will be placed in the Hemmeter Building at a very nice rent and very spacious. Somehow, I feel as though some of us have been shortchanged. But, we are all elected officials to serve the people of this State. That's why we're here, and that's why we will continue working.

"I wanted to bid aloha to all of you until next session, but hopefully, we will be back shortly to address the administrative revocation problem in a Special Session.

"Thank you very much."

Representative Metcalf then rose and stated:

"I'm just following up on Representative Isbell and Representative Marumoto's remarks. For those of you who become nostalgic for the Capitol Building, you are welcome to come visit the Hilo Courthouse which, according to certain media accounts, would look much like this structure.

"Thank you."

Representative Chun then rose and stated:

"Mr. Speaker, I just wanted to add to Representative Young's remarks as a freshman. I really appreciate everyone's guidance. The senior members have been very supportive and I think this experience has been very positive for me.

"I'd like to thank the leadership for giving us the guidance and time and also the committee chairmen and vice chairmen for taking so much of their time to dedicate to their subject matter.

"I would also like to thank the Women's Caucus for providing the leadership on women issues and also to the freshmen ninja turtles. I'd be happy to be a ninja turtle with you any day, and to the Republicans -- thank you very much for giving a different viewpoint. I think we all appreciate it, and also to the staff of the Sergeant-at-Arms and the Chief Clerk's Office, Legislative Reference Bureau and Auditors, for all their help.

"Thank you."

Representative Amaral then rose and stated:

"The Chairman of Judiciary reminds me to make this announcement and, in particular, for the freshmen members of Judiciary -- your Committee on Judiciary will be meeting tomorrow night, 6:00 p.m. in Room 410.

"Thank you."

Representative Say then rose and stated:

"Being the senior member of this particular House, I was very overwhelmed last week by Representative Anderson and the Minority Caucus in presenting us with a lei as far as our years of service.

"Yes, it is a legacy for all of us here this afternoon that it is the end and a beginning for all of us since we will be moving to the State Office Tower.

"In my case, the framed phrases that you have in front of you is just a combination of my past fifteen years here, being given the opportunity of representing the people of Hawaii which we all represent in a particular district. I hope to see all of us back here in 1985 so we can start a new legacy, but I know some of us will not be here, and I wish all of you the very best in whatever future endeavors that you do. I'm going to miss this place really, Mr. Speaker, after ten years in Room 430 -- that's where we used to have the cookouts -- and I don't think I'll be able to do it at the State Office Tower.

"Secondly, I'll miss the aura and the spiritual and cultural feeling of this chamber -- the symbolism of this chamber being the aina, or the land where the Hawaiians used to work, and the Senate chambers which is the ocean and the blue skies. We're never going to be given that opportunity for the next four or five years. Talking to Mr. Speaker, Majority Leader Taniguchi and Majority Floor Leader Arakaki, they told me that in the gallery that we'll be staying in, we have a plexiglas protecting us from the audience with 30 seats for the audience. It reminds me of about four or five years ago when our former colleague, John Medeiros, was in the House and he asked Representative Cachola -- What are you wearing? And Representative Cachola said, 'Oh, my bulletproof vest,' so Representative Medeiros said, 'Oh, yeah, was it made in Korea?' and they were all in the gallery -- the Koreans -- on the convention center topic. Thinking about that plexiglas, Mr. Speaker, I hope it is bulletproof, if we ever address that problem again.

"On a more symbolic and very sober topic, I was very fortunate to be given the opportunity. . . I hope Representative Hagino was here. . . when we had a point of where we had an exemption to the rule in letting a speaker go to the rostrum, and I can fully recall the day that Mr. George Helms spoke on the floor of the House. He has since passed away. I was very fortunate to be given the privilege and opportunity by you, Mr. Speaker, and former Speaker, Justice Wakatsuki, being the Chairman of Culture and the Arts, where I got to meet some of the most fascinating and artistic kupunas -- Miss Iolani Luahine, Miss Pilahi Pahi, and Miss Nona Veary. These three very, very special kupunas played a major part in my role -- maybe why I'm here. I always ask colleagues here what role do I have here in representing the people of the 25th District, and for me, I think for the past fifteen years, it's been a very spiritual one, and I hope with this momento that you have in front of you as a gift, it is a gift from those individuals who played a major part in having me here during the Sixteenth legislative session.

"So, on behalf of myself and my family, I would like to say, 'Best Wishes,' and hope to see you next year at the State Office Tower and, Representative Ward, the Majority Caucus is waiting for that dinner at Roy's, and also send me your postcard from Budapest.

"Thank you."

Representative Hagino then rose and stated:

"Following up on Representative Say's words, I was one of those mentioned by Representative Whitney Anderson several weeks ago as being one of the older members of this body and I think, when I compare this session to the prior twelve sessions, one point comes to mind. The number of women legislators has fluctuated over the thirteen years that I've served. I think, sometimes in the early '80s, there were even more women legislators at that time than we have currently on the floor of the House, but never in the past thirteen years have I ever seen women make the kind of presence that they have this past year. I think they made a significant presence, both on issues that they have chosen to support such as family leave, but they made a big impression, I think, on the leadership that they provided as chairpersons of the various committees that they chaired, and also as being very able and loyal vice chairpersons. In my case, I had Representative Young. And if I were to name the one, I think, shining moment of this Legislature, I really think it has been the presence of the women, and I certainly hope that this speaks well for the future.

"I don't plan to be in politics too much longer, but I think I look forward to the future because this is a new source of leadership for the State of Hawaii, and if what I've seen this past session carries through in the next decade of so, I think Hawaii will be in good hands.

"Thank you, Mr. Speaker."

Representative Taniguchi then rose and stated:

"I guess at the beginning of the session, I was always asked what the Majority Leader does and I didn't really know. I guess I still don't really know, but I just want to thank all of my colleagues -- I am very proud of what you've done, I've respected your opinions and our differences.

"I guess I'm going to miss this building too, and maybe that's why I requested an extension of the session as stated this morning in the papers, but anyway, mahalo to all of you and thank you for your support."

Representative Chun then rose and stated:

"I wanted to add our thanks, I think, to the staff of all our offices and also to the Majority and Minority staff offices and the media for their patience."

Representative Arakaki then rose and stated:

"Mr. Speaker, I, too, will miss this building and as the Majority Floor Leader, I really enjoyed my new experience, trying to orchestrate what happens here on the floor. I know things didn't always happen as it supposed to, but it was a very worthwhile learning experience for me, and I appreciate the cooperation of all the members."

Representative O'Kieffe then rose and stated:

"Mr. Speaker, we have been here for over sixty days, and it is with pleasure and regret and happiness and sorrow that I will be leaving this building for the other one, and with that in mind, I thank my colleagues for the

opportunity to be the Minority Floor Leader and to be working with you and the Majority."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 839 to 856) were read by the Clerk and were placed on file:

Sen. Com. No. 839 informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House to the following bills and has agreed to the amendments and that said bills have passed Final Reading in the Senate on May 6, 1991:

S.B. No. 420, SD 2, HD 1
S.B. No. 621, SD 2, HD 1
S.B. No. 693, SD 2, HD 2
S.B. No. 1330, SD 1, HD 1
S.B. No. 2013, SD 2, HD 2

Sen. Com. No. 840 informing the House that H.B. No. 1016, HD 1, SD 1, has passed Final Reading in the Senate on May 6, 1991.

Sen. Com. No. 841 informing the House that the following bills passed Final Reading in the Senate on May 6, 1991:

S.B. No. 248, SD 1, HD 1, entitled: "MAKING AN APPROPRIATION FOR THE INSTALLATION OF ENERGY EFFICIENT LIGHTING";

S.B. No. 115, SD 1, HD 1, entitled: "MAKING AN APPROPRIATION FOR THE HAWAII UNDERSEA RESEARCH LABORATORY";

S.B. No. 339, HD 2, entitled: "RELATING TO RENT SUPPLEMENT";

S.B. No. 1157, SD 1, HD 1, entitled: "RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY IN PROVIDING A HEALTH CARE FACILITY TO THE GENERAL PUBLIC";

S.B. No. 1726, SD 1, HD 2, entitled: "RELATING TO ENERGY";

H.B. No. 1685, HD 1, SD 1, CD 1, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

H.B. No. 1012, SD 1, CD 1, entitled: "RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS";

H.B. No. 917, HD 2, SD 2, CD 1, entitled: "RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE REGULATION OF OCEAN RECREATIONAL BOATING AND COASTAL ACTIVITIES";

H.B. No. 515, HD 1, SD 2, CD 2, entitled: "RELATING TO LIVING WILLS";

H.B. No. 375, HD 1, SD 2, CD 1, entitled: "RELATING TO THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS";

H.B. No. 734, HD 1, SD 1, CD 1, entitled: "RELATING TO MEDICAL SERVICES EXCISE TAX CREDIT";

H.B. No. 851, HD 2, SD 1, CD 1, entitled: "RELATING TO THE STATE CAPITOL TOUR AND INFORMATION PROGRAM";

H.B. No. 1697, HD 2, SD 2, CD 1, entitled: "RELATING TO NATURAL AREA PARTNERSHIPS";

H.B. No. 1699, HD 2, SD 2, CD 1, entitled: "RELATING TO FOREST STEWARDSHIP";

H.B. No. 1748, HD 2, SD 2, CD 1, entitled: "MAKING AN APPROPRIATION FOR PUBLIC EDUCATION";

H.B. No. 955, HD 2, SD 2, CD 1, entitled: "RELATING TO WATER POLLUTION CONTROL";

H.B. No. 954, HD 2, SD 2, CD 1, entitled: "RELATING TO INTEGRATED SOLID WASTE MANAGEMENT";

H.B. No. 1955, SD 2, CD 1, entitled: "MAKING AN APPROPRIATION FOR A COOPERATIVE STUDY BETWEEN THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNITED STATES GEOLOGICAL SURVEY FOR THE PURPOSE OF CONDUCTING AN ANALYSIS OF THE STATEWIDE WATER RESOURCES MONITORING PROGRAM";

H.B. No. 895, HD 2, SD 1, CD 1, entitled: "RELATING TO INDIVIDUAL HAWAIIAN HOME LANDS TRUST CLAIMS";

H.B. No. 889, HD 1, SD 2, CD 1, entitled: "RELATING TO FAMILY LITERACY";

H.B. No. 1038, HD 1, SD 1, CD 1, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1039, HD 1, SD 1, CD 1, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1040, HD 1, SD 1, CD 1, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

H.B. No. 362, HD 2, SD 1, CD 1, entitled: "RELATING TO SPOUSES";

H.B. No. 1177, HD 1, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR A TOTALLY ELECTRONIC VOTING SYSTEM";

H.B. No. 608, HD 2, SD 2, CD 1, entitled: "RELATING TO ADMINISTRATIVE LICENSE REVOCATION";

H.B. No. 844, HD 1, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR IMPROVING THE STATEWIDE RAINFALL AND FLOOD INFORMATION SYSTEM";

H.B. No. 865, HD 2, SD 2, CD 1, entitled: "RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS AND MAKING AN APPROPRIATION THEREFOR";

- H.B. No. 24, HD 1, SD 1, CD 1, entitled: "RELATING TO HIGHER EDUCATION";
- H.B. No. 139, HD 1, SD 1, CD 1, entitled: "RELATING TO THE STATE BUDGET";
- H.B. No. 598, HD 2, SD 1, CD 1, entitled: "RELATING TO THE JUDICIARY";
- H.B. No. 701, HD 2, SD 2, CD 1, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";
- H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "RELATING TO THE STATE HIGHWAY FUND";
- S.B. No. 1567, SD 1, HD 1, CD 2, entitled: "RELATING TO TOBACCO PRODUCTS";
- S.B. No. 246, HD 1, CD 1, entitled: "RELATING TO MENTAL HEALTH";
- S.B. No. 1340, SD 2, HD 2, CD 1, entitled: "RELATING TO LONG TERM CARE";
- S.B. No. 809, SD 1, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR DESIGN AND CONSTRUCTION OF A BIKE PATH AND WALKWAY";
- S.B. No. 1511, SD 1, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR A CLASSROOM LIBRARY INCLUDING A LIBRARY INVENTORY, MOBILE CARTS, AND SHELVING FOR KAPAA ELEMENTARY";
- S.B. No. 1962, SD 2, HD 2, CD 2, entitled: "RELATING TO HAZARDOUS WASTE";
- S.B. No. 1224, SD 2, HD 2, CD 1, entitled: "RELATING TO TAXATION OF COUNTY TRANSPORTATION SYSTEMS UNDER THE GENERAL EXCISE TAX";
- S.B. No. 1286, SD 2, HD 2, CD 1, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";
- S.B. No. 1338, SD 2, HD 2, CD 1, entitled: "RELATING TO SALARIES AND CLASSIFICATION";
- S.B. No. 8, SD 2, HD 2, CD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 113, SD 1, HD 1, CD 1, entitled: "RELATING TO THE CHARACTERIZATION OF NON-CIGUATERA MARINE TOXIN IN REEF FISH AND ALGAE";
- S.B. No. 1311, SD 1, HD 1, CD 1, entitled: "RELATING TO PARKS";
- S.B. No. 1718, SD 2, HD 2, CD 1, entitled: "RELATING TO UNDERGROUND STORAGE TANKS";
- S.B. No. 1797, SD 2, HD 2, CD 1, entitled: "RELATING TO DOMESTIC VIOLENCE";
- S.B. No. 1737, SD 2, HD 2, CD 1, entitled: "MAKING AN APPROPRIATION TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM FOR THE COMMUNITY-BASED DEVELOPMENT PROGRAM";
- S.B. No. 1792, SD 2, HD 1, CD 1, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";
- S.B. No. 1839, SD 1, HD 1, CD 1, entitled: "RELATING TO BLOOD AND SALIVA TESTING";
- S.B. No. 1858, SD 2, HD 2, CD 1, entitled: "RELATING TO THE OFFICE OF YOUTH SERVICES";
- S.B. No. 712, HD 2, CD 1, entitled: "RELATING TO TAXATION";
- S.B. No. 2114, SD 2, HD 2, CD 1, entitled: "MAKING AN APPROPRIATION FOR THE ALA MOANA GATEWAY IMPROVEMENT PROJECT";
- S.B. No. 1297, HD 1, CD 1, entitled: "RELATING TO LIQUOR";
- S.B. No. 9, SD 2, HD 2, CD 1, entitled: "RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION";
- S.B. No. 731, SD 1, HD 1, CD 1, entitled: "RELATING TO TAX CREDITS";
- S.B. No. 1045, SD 1, HD 1, CD 1, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";
- S.B. No. 1167, SD 2, HD 2, CD 1, entitled: "RELATING TO THE ESTABLISHMENT OF A JUVENILE JUSTICE INFORMATION SYSTEM";
- S.B. No. 1379, SD 1, HD 1, CD 1, entitled: "RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE";
- S.B. No. 2101, SD 1, HD 1, CD 1, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECTS";
- S.B. No. 2102, HD 1, CD 1, entitled: "RELATING TO STATE BONDS";
- S.B. No. 1381, SD 2, HD 2, CD 1, entitled: "RELATING TO THE CREATION OF A COMMISSION FOR PERFORMANCE STANDARDS"; and
- S.B. No. 1812, SD 1, HD 2, CD 1, entitled: "RELATING TO TAXATION".
- Sen. Com. No. 842 informing the House that the Senate has adopted House Concurrent Resolution No. 353, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CABLE TELEVISION INDUSTRY TO REFRAIN FROM RAISING SUBSCRIPTION RATES AS A MEANS OF COMPENSATING FOR ADDITIONAL FRANCHISE FEES IMPLEMENTED TO SUPPORT HAWAII PUBLIC TELEVISION," on May 6, 1991.
- Sen. Com. No. 843 returning House Concurrent Resolution No. 59, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING STATE AGENCIES TO CEASE THE PRACTICE OF TREE TOPPING," which was adopted by the Senate on May 6, 1991.
- Sen. Com. No. 844 returning House Concurrent Resolution No. 147, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE YEAR 1992 AS THE 100TH YEAR SINCE THE OVERTHROW OF THE INDEPENDENT NATION OF HAWAII", which was adopted by the Senate on May 6, 1991.

Sen. Com. No. 845 returning House Bill No. 370, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPATRIATION OF NATIVE HAWAIIAN HUMAN REMAINS," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 846 returning House Bill No. 640, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 847 returning House Bill No. 776, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE PROMOTION OF INTERNATIONAL EVENTS", which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 848 returning House Bill No. 890, entitled: "A BILL FOR AN ACT RELATING TO THE YEAR OF THE FAMILY CELEBRATION", which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 849 returning House Bill No. 953, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 850 returning House Bill No. 1022, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 851 returning House Bill No. 1049, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM", which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 852 returning House Bill No. 1055, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 853 returning House Bill No. 1254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM DEVELOPMENT," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 854 returning House Bill No. 1382, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL INSPECTIONS," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 855 returning House Bill No. 1958, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," which passed Third Reading in the Senate on May 6, 1991.

Sen. Com. No. 856 returning House Bill No. 2194, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ADJUST THE SALARIES OF UNIVERSITY OF HAWAII ADMINISTRATIVE PROFESSIONAL AND TECHNICAL EMPLOYEES," which passed Third Reading in the Senate on May 6, 1991.

ADJOURNMENT

Representative Arakaki moved that the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, adjourn Sine Die, seconded by Representative O'Kieffe and carried.

At 5:15 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, adjourned Sine Die.

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

Gov. Msg. No. 233 informing the House that he signed the following bills into law on the dates indicated:

May 2, 1991

House Bill No. 699 as Act 96, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM".

May 7, 1991

Senate Bill No. 1209 as Act 97, entitled: "RELATING TO THE COMMISSIONER OF FINANCIAL INSTITUTIONS";

Senate Bill No. 1704 as Act 98, entitled: "RELATING TO WORKER'S COMPENSATION";

Senate Bill No. 1998 as Act 99, entitled: "RELATING TO THE TAXATION OF FINANCIAL INSTITUTIONS";

Senate Bill No. 2053 as Act 100, entitled: "RELATING TO AGRICULTURAL PRODUCTS";

House Bill No. 804 as Act 101, entitled: "RELATING TO TAX CERTIFICATE FOR LIQUOR LICENSES";

House Bill No. 896 as Act 102, entitled: "RELATING TO PROCUREMENT, CONTROL, DISTRIBUTION AND SALE OF PETROLEUM PRODUCTS";

House Bill No. 1993 as Act 103, entitled: "RELATING TO INSURANCE".

Gov. Msg. No. 234 informing the House that on May 10, 1991, he signed the following bills into law:

House Bill No. 794 as Act 104, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

House Bill No. 823 as Act 105, entitled: "RELATING TO CONSUMER PROTECTION";

House Bill No. 979 as Act 106, entitled: "RELATING TO KAHANA VALLEY";

House Bill No. 998 as Act 107, entitled: "RELATING TO PENALTIES BY THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS";

Senate Bill No. 308 as Act 108, entitled: "RELATING TO HISTORIC PRESERVATION";

Senate Bill No. 819 as Act 109, entitled: "RELATING TO THE FINANCIAL SERVICES LOAN INDUSTRY";

Senate Bill No. 827 as Act 110, entitled: "RELATING TO MACADAMIA NUTS";

Senate Bill No. 1168 as Act 111, entitled: "RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING";

Senate Bill No. 1221 as Act 112, entitled: "RELATING TO INCOME TAX CHECKOFFS";

Senate Bill No. 1317 as Act 113, entitled: "RELATING TO TEMPORARY DISABILITY INSURANCE";

Senate Bill No. 1346 as Act 114, entitled: "RELATING TO YOUTH";

Senate Bill No. 1359 as Act 115, entitled: "RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM";

Senate Bill No. 1628 as Act 116, entitled: "RELATING TO PEST CONTROL OPERATORS";

Senate Bill No. 1649 as Act 117, entitled: "RELATING TO ELECTRICIANS AND PLUMBERS";

Senate Bill No. 1714 as Act 118, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

Senate Bill No. 1719 as Act 119, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE ARTICLE 6 - BULK SALES"; and

Senate Bill No. 2144 as Act 120, entitled: "RELATING TO TRADE".

Gov. Msg. No. 235 informing the House that he signed the following bills into law on the dates indicated:

May 16, 1991

House Bill No. 934 as Act 121, entitled: "RELATING TO NAMES".

May 22, 1991

House Bill No. 816 as Act 122, entitled: "RELATING TO CLAIMS BY THE STATE";

House Bill No. 22 as Act 123, entitled: "RELATING TO CHILD ABUSE";

House Bill No. 114 as Act 124, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 148 as Act 125, entitled: "RELATING TO THE BUDGET";

House Bill No. 214 as Act 126, entitled: "RELATING TO TOURISM";

House Bill No. 249 as Act 127, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

House Bill No. 387 as Act 128, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 505 as Act 129, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

House Bill No. 610 as Act 130, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 611 as Act 131, entitled: "RELATING TO THE CENTER FOR DISPUTE RESOLUTION";

House Bill No. 666 as Act 132, entitled: "RELATING TO CONDOMINIUM ASSOCIATION BUDGETS AND RESERVES";

House Bill No. 669 as Act 133, entitled: "RELATING TO DISPENSING OPTICIANS";

House Bill No. 790 as Act 134, entitled: "RELATING TO FRESH PRODUCE";

House Bill No. 791 as Act 135, entitled: "RELATING TO THE DEPARTMENT OF AGRICULTURE";

House Bill No. 799 as Act 136, entitled: "RELATING TO THE PAYMENT OF INTEREST ON TAXES";

House Bill No. 813 as Act 137, entitled: "RELATING TO TAX CREDIT FOR EMPLOYMENT OF VOCATIONAL REHABILITATION REFERRALS";

House Bill No. 820 as Act 138, entitled: "RELATING TO HEALTH CARE PROFESSIONALS";

House Bill No. 824 as Act 139, entitled: "RELATING TO TEMPORARY PERMITS TO PRACTICE NURSING";

Senate Bill No. 125 as Act 140, entitled: "RELATING TO DISTRICT AND CIRCUIT COURT COSTS AND FEES";

Senate Bill No. 140 as Act 141, entitled: "RELATING TO CHILD ABUSE";

Senate Bill No. 163 as Act 142, entitled: "RELATING TO ENERGY";

Senate Bill No. 180 as Act 143, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

Senate Bill No. 212 as Act 144, entitled: "RELATING TO TOWING VEHICLES";

Senate Bill No. 369 as Act 145, entitled: "RELATING TO GOVERNMENT RECORDS";

Senate Bill No. 389 as Act 146, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 597 as Act 147, entitled: "RELATING TO COURTS";

Senate Bill No. 602 as Act 148, entitled: "RELATING TO FAMILY COURT";

Senate Bill No. 741 as Act 149, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 800 as Act 150, entitled: "RELATING TO PUBLIC RECORD DISCLOSURES OF FINANCIAL INTERESTS";

Senate Bill No. 952 as Act 151, entitled: "RELATING TO PUBLIC SAFETY";

Senate Bill No. 1082 as Act 152, entitled: "RELATING TO COLLECTIVE BARGAINING";

Senate Bill No. 1188 as Act 153, entitled: "RELATING TO MEASUREMENT STANDARDS"; and

Senate Bill No. 1251 as Act 154, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS".

May 24, 1991

House Bill No. 826 as Act 155, entitled: "RELATING TO REAL ESTATE PROFESSIONALS";

House Bill No. 897 as Act 156, entitled: "RELATING TO THE HAWAII FILM FACILITY SPECIAL FUND";

House Bill No. 922 as Act 157, entitled: "RELATING TO ENVIRONMENTAL FINES AND PENALTIES";

House Bill No. 937 as Act 158, entitled: "RELATING TO THE DEPARTMENT OF HEALTH";

House Bill No. 964 as Act 159, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 971 as Act 160, entitled: "RELATING TO AQUATIC RESOURCES";

House Bill No. 972 as Act 161, entitled: "RELATING TO LONGLINE FISHING";

House Bill No. 981 as Act 162, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 982 as Act 163, entitled: "RELATING TO EDUCATION";

House Bill No. 992 as Act 164, entitled: "RELATING TO PERSONAL CARE SERVICES";

House Bill No. 1003 as Act 165, entitled: "RELATING TO WORKERS' COMPENSATION INSURANCE";

House Bill No. 1017 as Act 166, entitled: "RELATING TO ASSET FORFEITURE";

House Bill No. 1019 as Act 167, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED);

House Bill No. 1022 as Act 168, entitled: "RELATING TO SPECIAL FACILITY REVENUE BONDS";

House Bill No. 1039 as Act 169, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1041 as Act 170, entitled: "RELATING TO ACTUARIAL ASSUMPTIONS OF THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1049 as Act 171, entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM";

House Bill No. 1055 as Act 172, entitled: "RELATING TO RENTAL HOUSING";

House Bill No. 1454 as Act 173, entitled: "RELATING TO INDUSTRIAL PARKS";

House Bill No. 1567 as Act 174, entitled: "RELATING TO MOTORCYCLE AND MOTOR SCOOTER INSURANCE";

House Bill No. 1918 as Act 175, entitled: "RELATING TO ORGANIZED CRIME";

House Bill No. 2009 as Act 176, entitled: "RELATING TO HUNTER EDUCATION";

House Bill No. 2100 as Act 177, entitled: "RELATING TO THE NAMING OF THE OFFICE OF HAWAIIAN AFFAIRS AS A DEFENDANT IN QUIET TITLE ACTIONS INVOLVING KULEANA LAND";

Senate Bill No. 153 as Act 178, entitled: "RELATING TO SERVICE DOGS";

Senate Bill No. 731 as Act 179, entitled: "RELATING TO TAX CREDITS";

Senate Bill No. 1206 as Act 180, entitled: "RELATING TO BEAUTY CULTURE";

Senate Bill No. 1210 as Act 181, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 1262 as Act 182, entitled: "RELATING TO CHILD SUPPORT";

Senate Bill No. 1278 as Act 183, entitled: "RELATING TO MARINE LIFE CONSERVATION DISTRICTS";

Senate Bill No. 1279 as Act 184, entitled: "RELATING TO MARINE RESOURCES";

Senate Bill No. 1282 as Act 185, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1335 as Act 186, entitled: "RELATING TO REVOCATION OF CERTIFICATES";

Senate Bill No. 1336 as Act 187, entitled: "RELATING TO STATEWIDE CENTER FOR STUDENTS WITH HEARING AND VISUAL IMPAIRMENTS";

Senate Bill No. 1337 as Act 188, entitled: "MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS";

Senate Bill No. 1338 as Act 189, entitled: "RELATING TO SALARIES AND CLASSIFICATION";

Senate Bill No. 1366 as Act 190, entitled: "RELATING TO VITAL RECORDS";

Senate Bill No. 1399 as Act 191, entitled: "RELATING TO LAND USE";

Senate Bill No. 1424 as Act 192, entitled: "RELATING TO PROSECUTING ATTORNEYS";

Senate Bill No. 1534 as Act 193, entitled: "RELATING TO UNEMPLOYMENT COMPENSATION";

Senate Bill No. 1634 as Act 194, entitled: "RELATING TO LANDLORD TENANT"; and

Senate Bill No. 2097 as Act 195, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES".

Gov. Msg. No. 236 transmitting his statement of objections to Senate Bill No. 1084 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

May 23, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1084

Honorable Members
Sixteenth 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. 1084, entitled, 'A Bill for an Act Relating to the Public Employees Health Fund.'

The purpose of Senate Bill No. 1084 is to authorize the trustees of the Public Employees Health Fund, at their option, to hire private counsel to serve as the Fund's legal counsel or rely upon the Attorney General to provide legal advice and counsel to them.

According to the accompanying legislative history, this bill was apparently prompted by concern that the Attorney General could encounter conflicts of interest in providing legal advice and counsel to the trustees and the Fund because he is also required to represent the Governor and the various cabinet level officers who employ the various members of the Fund. While I am not sure that I agree with the Legislature's conclusion, I do believe that existing law, namely, section 103-3, Hawaii Revised Statutes, provides a means for the Attorney General and the trustees to address any actual conflict of interest situation which might arise in the course of the Attorney General's provision of legal services to the Fund. Accordingly, I believe this measure is not needed.

For the foregoing reason, I am returning Senate Bill No. 1084 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. 1084, entitled, 'A Bill for an Act Relating to the Public Employees Health Fund,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1084 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. 1084 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 23rd day of May, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 237 transmitting his statement of objections to Senate Bill No. 1250 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

May 23, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1250

Honorable Members
Sixteenth 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. 1250, entitled, 'A Bill for an Act Relating to Residential Leaseholds.'

The purpose of Senate Bill No. 1250 is to clarify that the Housing Finance and Development Corporation is not liable or responsible for the condition or quality of land which it condemns for the purpose of lease to fee simple conversion under chapter 516, Hawaii Revised Statutes.

An identical bill, House Bill No. 1053, was also passed by the Legislature during the Regular Session of 1991. Since I approved House Bill No. 1053 on April 30, 1991, as Act 82, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 1250 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. 1250, entitled, 'A Bill for an Act Relating to Residential Leaseholds,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1250 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. 1250 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 23rd day of May, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 238 informing the House that on May 28, 1991, he signed the following bills into law:

House Bill No. 409 as Act 196, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 808 as Act 197, entitled: "RELATING TO COUNTY FUEL TAX CHANGES";

House Bill No. 890 as Act 198, entitled: "RELATING TO THE YEAR OF THE FAMILY CELEBRATION";

House Bill No. 919 as Act 199, entitled: "RELATING TO THE WAIKIKI AQUARIUM";

House Bill No. 925 as Act 200, entitled: "RELATING TO USED OIL TRANSPORT, RECYCLING AND DISPOSAL";

House Bill No. 928 as Act 201, entitled: "RELATING TO LEAD ACID BATTERIES";

House Bill No. 949 as Act 202, entitled: "RELATING TO RIGHTS OF INSPECTION";

House Bill No. 1038 as Act 203, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

Senate Bill No. 248 as Act 204, entitled: "MAKING AN APPROPRIATION FOR THE INSTALLATION OF ENERGY EFFICIENT LIGHTING";

Senate Bill No. 1286 as Act 205, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES"; and

Senate Bill No. 1297 as Act 206, entitled: "RELATING TO LIQUOR".

Gov. Msg. No. 239 returning House Bill No. 805, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

May 28, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 805

Honorable Members
Sixteenth Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 805, entitled, 'A Bill for an Act Relating to the Fuel Tax.'

The purpose of House Bill No. 805 is to conform administrative provisions of the Hawaii fuel tax law to administrative provisions of other Hawaii tax laws and to make fuel tax returns matters of public record.

House Bill No. 805 is identical in all respects to Senate Bill No. 1223 which I have signed into law as Act 55. In order to avoid duplication of legislation, I am returning House Bill No. 805 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. 805, entitled, 'A Bill for an Act Relating to the Fuel Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 805 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. 805 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 28th day of May, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 240, transmitting copies of the report **"Requesting a Plan to Enhance and Expand Family Support Services to Families of Persons with Disabilities,"** pursuant to H.C.R. No. 314.

Gov. Msg. No. 241, transmitting copies of the report entitled, **Carrying Capacity: Program Proposals,** prepared by the Office of State Planning, pursuant to Act 160, SLH 1990.

Gov. Msg. No. 242, transmitting copies of the State Employee Ownership and Participation Advisory Committee's Annual Report.

Gov. Msg. No. 243 informing the House that on May 30, 1991, he signed the following bills into law:

House Bill No. 1855 as Act 207, entitled: "RELATING TO INCOME TAX";

Senate Bill No. 1130 as Act 208, entitled: "RELATING TO TAX RELIEF FOR DEPLOYED MILITARY PERSONNEL";

Senate Bill No. 955 as Act 209, entitled: "RELATING TO MILITARY AFFAIRS"; and

Senate Bill No. 1088 as Act 210, entitled: "RELATING TO MOTOR VEHICLES".

Gov. Msg. No. 244 informing the House that on May 31, 1991, he signed the following bills into law:

House Bill No. 1958 as Act 211, entitled: "RELATING TO THE HOMELESS";

Senate Bill No. 1382 as Act 212, entitled: "RELATING TO ASSISTANCE TO HOMELESS FAMILIES"; and

Senate Bill No. 1383 as Act 213, entitled: "RELATING TO HOMELESS PROGRAMS".

Gov. Msg. No. 245 informing the House that on June 6, 1991, he signed the following bills into law:

House Bill No. 73 as Act 214, entitled: "RELATING TO THE HAWAII PENAL CODE";

House Bill No. 363 as Act 215, entitled: "RELATING TO DOMESTIC VIOLENCE";

House Bill No. 621 as Act 216, entitled: "RELATING TO CHILD SUPPORT";

House Bill No. 734 as Act 217, entitled: "RELATING TO MEDICAL SERVICES EXCISE TAX CREDIT";

House Bill No. 851 as Act 218, entitled: "RELATING TO THE STATE CAPITOL TOUR AND INFORMATION PROGRAM";

House Bill No. 923 as Act 219, entitled: "RELATING TO ASBESTOS";

House Bill No. 966 as Act 220, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 1007 as Act 221, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1040 as Act 222, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

House Bill No. 1317 as Act 223, entitled: "RELATING TO THE PENAL CODE";

House Bill No. 1891 as Act 224, entitled: "RELATING TO PARENTAGE";

House Bill No. 1955 as Act 225, entitled: "MAKING AN APPROPRIATION FOR A COOPERATIVE STUDY BETWEEN THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNITED STATES GEOLOGICAL SURVEY FOR THE PURPOSE OF CONDUCTING AN ANALYSIS OF THE STATEWIDE WATER RESOURCES MONITORING PROGRAM";

House Bill No. 2210 as Act 226, entitled: "RELATING TO LOST AND STOLEN PETS";

Senate Bill No. 348 as Act 227, entitled: "RELATING TO COLLISION INSURANCE FOR RENTED MOTOR VEHICLES";

Senate Bill No. 712 as Act 228, entitled: "RELATING TO TAXATION";

Senate Bill No. 1224 as Act 229, entitled: "RELATING TO TAXATION OF COUNTY TRANSPORTATION SYSTEMS UNDER THE GENERAL EXCISE TAX";

Senate Bill No. 1812 as Act 230, entitled: "RELATING TO TAXATION";

Senate Bill No. 1839 as Act 231, entitled: "RELATING TO BLOOD AND SALIVA TESTING";

Senate Bill No. 1850 as Act 232, entitled: "RELATING TO PUBLIC CONCESSIONS"; and

Senate Bill No. 2099 as Act 233, entitled: "MAKING AN APPROPRIATION FOR ONE SECRETARY POSITION AND TWO FIFTEEN PASSENGER VANS FOR STOREFRONT, WAHIAWA, OAHU".

Gov. Msg. No. 246 informing the House that on June 12, 1991, he signed the following bills into law:

House Bill No. 362 as Act 234, entitled: "RELATING TO THE SPOUSES";

House Bill No. 364 as Act 235, entitled: "RELATING TO PROTECTIVE ORDERS";

House Bill No. 411 as Act 236, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 544 as Act 237, entitled: "RELATING TO NURSING";

House Bill No. 589 as Act 238, entitled: "RELATING TO LOBBYISTS LAW STATEMENT OF EXPENDITURES";

House Bill No. 640 as Act 239, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE";

House Bill No. 760 as Act 240, entitled: "RELATING TO ACTIVITY PROVIDERS";

House Bill No. 844 as Act 241, entitled: "MAKING AN APPROPRIATION FOR IMPROVING THE STATEWIDE RAINFALL AND FLOOD INFORMATION SYSTEM";

House Bill No. 865 as Act 242, entitled: "RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS AND MAKING AN APPROPRIATION THEREFOR";

House Bill No. 953 as Act 243, entitled: "RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE";

House Bill No. 1012 as Act 244, entitled: "RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS";

House Bill No. 1116 as Act 245, entitled: "MAKING AN APPROPRIATION TO REVIEW THE LAWS RELATING TO FINANCIAL INSTITUTIONS";

House Bill No. 1254 as Act 246, entitled: "RELATING TO TOURISM DEVELOPMENT";

House Bill No. 1275 as Act 247, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY IN PROVIDING A HEALTH CARE FACILITY TO THE GENERAL PUBLIC";

House Bill No. 1998 as Act 248, entitled: "RELATING TO INSURANCE";

House Bill No. 2049 as Act 249, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OLOKELE SUGAR COMPANY IN IMPROVING ITS ELECTRICAL POWER GENERATION CAPABILITY";

Senate Bill No. 339 as Act 250, entitled: "RELATING TO RENT SUPPLEMENT";

Senate Bill No. 1511 as Act 251, entitled: "MAKING AN APPROPRIATION FOR A CLASSROOM LIBRARY INCLUDING A LIBRARY INVENTORY, MOBILE CARTS, AND SHELVING FOR KAPAA ELEMENTARY";

Senate Bill No. 1539 as Act 252, entitled: "RELATING TO PRACTICES AND PROCEDURES OF THE HAWAII CIVIL RIGHTS COMMISSION";

Senate Bill No. 1567 as Act 253, entitled: "RELATING TO TOBACCO PRODUCTS";

Senate Bill No. 1726 as Act 254, entitled: "RELATING TO ENERGY";

Senate Bill No. 1737 as Act 255, entitled: "MAKING AN APPROPRIATION TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM FOR THE COMMUNITY-BASED DEVELOPMENT PROGRAM";

Senate Bill No. 1792 as Act 256, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

Senate Bill No. 1797 as Act 257, entitled: "RELATING TO DOMESTIC VIOLENCE";

Senate Bill No. 1858 as Act 258, entitled: "RELATING TO THE OFFICE OF YOUTH SERVICES";

Senate Bill No. 1962 as Act 259, entitled: "RELATING TO HAZARDOUS WASTE"; and

Senate Bill No. 2007 as Act 260, entitled: "RELATING TO WATER TREATMENT DEVICES".

Gov. Msg. No. 247 returning House Bill No. 27, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 27

Honorable Members
Sixteenth 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. 27, entitled, 'A Bill for an Act Relating to Airport Administrative Rules and Penalties.'

The purpose of this bill is to decriminalize airport rule violations, which are currently misdemeanors, making such violations punishable only by a fine not in excess of \$2,000. In contrast, a failure to comply with the statute itself, chapter 261, Hawaii Revised Statutes, remains a misdemeanor and subject to a fine and possible imprisonment.

Of concern is the basis for assessing different penalties for rule violations, vis-a-vis statutory violations. For example, airport security is covered by rule, not by statute. Under this bill, violators of airport security rules would be subject only to a maximum \$2,000 fine and would not be guilty of a misdemeanor, facing possible imprisonment. However, if an airport employee were to violate section 261-15.6, Hawaii Revised Statutes, by

failing to collect a \$10 registration fee, the employee could be guilty of a misdemeanor.

Removing the deterrent of criminal penalties, i.e., imprisonment, for airport rule violations, especially security violations, could jeopardize airport security and hinder the enforcement of the rules by the department. Hence, for certain types of rules such as security and safety, it does not appear rational to lessen the punishment for the violations of such rules, while retaining the harsher punishment for relatively minor statutory violations.

For the foregoing reasons, I am returning House Bill No. 27 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. 27, entitled, 'A Bill for an Act Relating to Airport Administrative Rules and Penalties,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 27 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. 27 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 248 returning House Bill No. 601, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 601

Honorable Members
Sixteenth 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, Houe Bill No. 601, entitled, 'A Bill for an Act Relating to Court Costs and Fees.'

The purpose of House Bill No. 601, is to revise the filing fee schedule set forth in sections 607-4 and 607-5, Hawaii Revised Statutes, by increasing certain fees for filing of court documents and eliminating others.

This measure is identical to Senate Bill No. 125, which was also passed during the Regular Session of 1991. Since I approved Senate Bill No. 125 on May 22, 1991, as Act 140, there is no necessity to also approve House Bill No. 601.

For the foregoing reason, I am returning House Bill No. 601, 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. 601, entitled, 'A Bill for an Act Relating to Court Costs and Fees,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 601 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. 601 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 249, returning House Bill No. 1124 without his approval and with his statement of objection relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1124

Honorable Members
Sixteenth 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. 1124, entitled, 'A Bill for an Act Relating to Civil Service and Exemptions.'

The purposes of House Bill No. 1124 are to: (1) amend section 76-16, Hawaii Revised Statutes, to require the Director of Personnel Services to notify the Legislature in writing within thirty days following the filling of four types of exempt positions; (2) require various types of information to be included in connection with the above-mentioned notification to the Legislature; and (3) amend section 76-77, Hawaii Revised Statutes, to exempt from statutory civil service requirements the following positions in the offices of county prosecuting attorneys: (a) private secretary to the prosecuting attorney; (b) secretary to the first deputy prosecuting attorney; and (c) administrative or executive assistants to the prosecuting attorney.

The inclusion of mandatory legislative reporting requirements under section 76-16, Hawaii Revised Statutes, would be unduly burdensome on the staff of the Department of Personnel Services. The excessively burdensome legislative reporting requirements intrude into the administrative function of the Executive Branch. Furthermore, the amendment to exempt from civil service requirements the identified positions in the county prosecuting attorneys' offices is also made by Senate Bill No. 1424, which was also passed by the Legislature during the Regular Session of 1991. Since I approved Senate Bill No. 1424 on May 23, 1991, as Act 192, there is no necessity to also approve this bill to accomplish the exemption.

For the foregoing reasons, I am returning House Bill No. 1124 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. 1124, entitled, 'A Bill for an Act Relating to Civil Service and Exemptions,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1124 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. 1124 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 250 returning House Bill No. 1382, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1382

Honorable Members
Sixteenth 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. 1382, entitled, 'A Bill for an Act Making an Appropriation for School Inspections.'

The purpose of House Bill No. 1382 is to appropriate to the Department of Education \$25,000 for fiscal year 1991-1992 and \$27,750 for fiscal year 1992-1993 to implement the School Inspection Program established pursuant to section 296-39, Hawaii Revised Statutes.

However, appropriations for the program are included in almost identical amounts in House Bill No. 139, the General Appropriations Act of 1991, which was also passed during the Regular Session of 1991. Therefore, the appropriations to be made by this bill are unnecessary.

For the foregoing reason, I am returning House Bill No. 1382 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. 1382, entitled, 'A Bill for an Act Making an Appropriation for School Inspections,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1382 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. 1382 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE

Governor of Hawaii"

Gov. Msg. No. 251 returning House Bill No. 2223, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2223

Honorable Members
Sixteenth 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. 2223, entitled, 'A Bill for an Act Relating to the Statute of Limitations.'

The purpose of House Bill No. 2223 is to amend the statute of limitation provision of the State Tort Liability Act to provide that tort claims against the State by individuals under a legal disability will not be barred if brought within two years after the legal disability has ceased.

While the intent of this bill is admirable and remedial in nature, it also inequitably requires the State to litigate events which are distant in time and indistinct in memory. Too frequently critical evidence is lost with the passage of time. The truth, under such circumstances, is often unascertainable. The policy of the law for more than a century has been to protect the sovereign from such 'stale' claims. Such a fundamental departure from accepted public policy would allow the trials of important tort lawsuits to resemble more a game of chance than a struggle for truth.

In addition, the bill fails to define the term 'legal disability.' Without such a definition, the term may be interpreted in ways unintended by the Legislature or inappropriate in fact. An example of the former category would be to persons who live outside the jurisdiction of the State court system but who in fact are fully able to sue timely. An example of the latter category would be prisoners, who under the law are guaranteed access to the courts.

Lastly, the bill is made retroactive without qualification. It, therefore, applies to cases currently pending trial in our courts as well as cases tried and awaiting decision. The risk to the State fisc is unquantified but is likely to be in the many millions of dollars. Accepting such an unquantified risk is simply not wise.

For the foregoing reasons, I am returning House Bill No. 2223 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. 2223, entitled, 'A Bill for an Act Relating to the Statute of Limitations,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2223 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. 2223 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 252 transmitting his statement of objections to Senate Bill No. 246 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 246

Honorable Members
Sixteenth 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. 246, entitled, 'A Bill for an Act Relating to Mental Health.'

The purpose of Senate Bill No. 246 is to amend section 334-6, Hawaii Revised Statutes, to ensure that persons who are liable for the payment of expenses for care in psychiatric facilities and community mental health centers in State and State-funded facilities make reasonable efforts to utilize any available third-party insurance coverage to offset these costs. This bill will repeal the provision that requires the Director of Health to take into consideration the financial circumstances of the patient and the patient's family in determining whether to take collection action for treatment services rendered and that prohibits collection when it would tend to severely impact the patient's or the patient's family's financial circumstances. Further, this bill will retain the provision that the Director of Health may adjust the amount of any service-related liability, so that the charges imposed will not tend to make the patient or the patient's family a public charge or deprive them of necessary support.

Another bill passed during the Regular Session of 1991, House Bill No. 953, also will amend section 334-6, Hawaii Revised Statutes. House Bill No. 953 also will require every person, or that person's spouse, parent, or legal guardian, if applicable, who is liable for the costs of treatment services at psychiatric facilities or community mental health centers under the jurisdiction of the State or

a county, or at psychiatric facilities or community mental health centers that derive more than fifty percent of their revenues from the general fund of the State, to make reasonable efforts to utilize any available third party coverage to offset these costs. However, unlike Senate Bill No. 246, House Bill No. 953 will retain the provision that requires the Director of Health to take into consideration the financial circumstances of the patient and the patient's family in determining whether to take collection steps for treatment services rendered and that prohibits collection when it would tend to severely impact the patient or the patient's family's financial circumstances. House Bill No. 953 further will omit the provision that the Director of Health may adjust the amount of any service-related liability, so that the charges imposed will not tend to make the patient or the patient's family a public charge or deprive them of necessary support.

Because House Bill No. 953 will retain the Director of Health's authority to consider the financial circumstances of the patient and family while Senate Bill No. 246 specifically will delete it, and because House Bill No. 953 will delete the Director's authority to adjust the amount of any service-related liability while Senate Bill No. 246 specifically will retain it, the two bills are irreconcilable and in direct conflict with each other. This conflict requires the veto of one or the other and I have decided to approve House Bill No. 953.

For the foregoing reasons, I am returning Senate Bill No. 246 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. 246, entitled, 'A Bill for an Act Relating to Mental Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 246 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. 246 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 253 transmitting his statement of objections to Senate Bill No. 1089 which he has returned

to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1089

Honorable Members
Sixteenth 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. 1089, entitled, 'A Bill for an Act Relating to Parking Fees.'

The purpose of Senate Bill No. 1089 is to exempt on-duty sheriffs and deputy sheriffs from parking meter and time restrictions. This is intended to facilitate performance of evictions and service of bench warrants in areas where the only available parking is metered.

While there is clearly a need to exempt individuals performing these types of law enforcement functions from parking restrictions, the bill is not drawn narrowly enough to limit the exemption to those whom the bill is intended to benefit. First, the Office of the Sheriff was abolished by Act 211, Session Laws of Hawaii 1989. Therefore, it is unclear to whom the exemption provided by the bill would apply. It may apply to public safety officers of the Department of Public Safety who perform the duties formerly performed by personnel employed by the Office of the Sheriff. It may also include private individuals who independently contract with the Department of Public Safety to serve civil process. In any event, the bill may exempt persons other than those it intended and thereby create an appearance of preferential treatment for certain individuals.

Even if the bill were clear as to whom it applied, however, it still fails to specifically state that it applies only to on-duty 'sheriffs' and 'deputy sheriffs.' It also does not specify whether the exemption applies only to official vehicles of the Department of Public Safety or whether it includes privately owned vehicles used for official purposes.

These omissions create the possibility, albeit inadvertently, that the privilege conferred by this bill will be used for unintended purposes. This, in turn, will again create an appearance of preferential treatment of certain individuals.

For the foregoing reasons, I am returning Senate Bill No. 1089 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. 1089, entitled, 'A Bill for an Act Relating to Parking Fees,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1089 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. 1089 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 254 transmitting his statement of objections to Senate Bill No. 1157 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1157

Honorable Members
Sixteenth 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. 1157, entitled, 'A Bill for an Act Relating to the Authorization of Refunding Special Purpose Revenue Bonds to Assist the Evangelical Lutheran Good Samaritan Society in Providing a Health Care Facility to the General Public.'

The purpose of Senate Bill No. 1157 is to authorize the issuance of refunding special purpose revenue bonds in such principal amounts as the Department of Budget and Finance deems necessary to refund bonds authorized in Act 14, Special Session Laws of Hawaii 1981, and Act 226, Session Laws of Hawaii 1984.

This bill is substantively identical to House Bill No. 1275, which was also passed by the Legislature. Since I intend to approve House Bill No. 1275, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1157 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. 1157, entitled, 'A Bill for an Act Relating to the Authorization of Refunding Special Purpose Revenue Bonds to Assist the Evangelical Lutheran Good Samaritann Society in Providing a Health Care Facility to the General Public,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1157 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. 1157 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 255 transmitting his statement of objections to Senate Bill No. 1334 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 12, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1334

Honorable Members
Sixteenth 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. 1334, entitled, 'A Bill for an Act Relating to Attendance of Blind and Deaf Children.'

The purpose of Senate Bill No. 1334 is to repeal certain state statutes relating to the education of students with disabilities which have been preempted by the federal Education for All Handicapped Children Act and the Individuals with Disabilities Act of 1990.

This bill is substantively identical to House Bill No. 958, which was also passed during the Regular Session of 1991. Since I approved House Bill No. 958 on April 12, 1991, as Act 14, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1334 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. 1334, entitled, 'A Bill for an Act Relating to Attendance of Blind and Deaf Children,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1334 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. 1334 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 12th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 256 informing the House that on June 14, 1991, he signed the following bills into law:

House Bill No. 665 as Act 261, entitled: "MAKING AN APPROPRIATION AND ESTABLISHING A CONDOMINIUM PROJECT POSITION";

House Bill No. 955 as Act 262, entitled: "RELATING TO WATER POLLUTION CONTROL";

House Bill No. 1021 as Act 263, entitled: "RELATING TO THE STATE HIGHWAY FUND";

House Bill No. 2034 as Act 264, entitled: "RELATING TO THE WAGE AND HOUR LAW";

Senate Bill No. 113 as Act 265, entitled: "RELATING TO THE CHARACTERIZATION OF NON-CIGUATERA MARINE TOXIN IN REEF FISH AND ALGAE";

Senate Bill No. 115 as Act 266, entitled: "MAKING AN APPROPRIATION FOR THE HAWAII UNDERSEA RESEARCH LABORATORY";

Senate Bill No. 1718 as Act 267, entitled: "RELATING TO UNDERGROUND STORAGE TANKS";

Senate Bill No. 1822 as Act 268, entitled: "RELATING TO HEALTH INSURANCE"; and

Senate Bill No. 2122 as Act 269, entitled: "MAKING AN APPROPRIATION FOR THE SOCIAL AND EMPLOYMENT SERVICES INCUBATOR PROJECT FOR THE WEST OAHU REGION".

Gov. Msg. No. 257 informing the House that on June 17, 1991, he signed the following bills into law:

House Bill No. 375 as Act 270, entitled: "RELATING TO THE HAWAII STATE COORDINATING COUNCIL ON DEAFNESS";

House Bill No. 547 as Act 271, entitled: "RELATING TO CULTURE AND THE ARTS";

House Bill No. 917 as Act 272, entitled: "RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE REGULATION OF OCEAN RECREATIONAL BOATING AND COASTAL ACTIVITIES";

House Bill No. 932 as Act 273, entitled: "RELATING TO CERTIFICATION OF WATER TREATMENT PLANT OPERATORS";

House Bill No. 1025 as Act 274, entitled: "RELATING TO ALCOHOL AND AERONAUTICS";

House Bill No. 1304 as Act 275, entitled: "RELATING TO LOITERING FOR PROSTITUTION";

House Bill No. 1985 as Act 276, entitled: "RELATING TO RESIDENTIAL LEASE DISCLOSURES";

House Bill No. 2117 as Act 277, entitled: "MAKING AN APPROPRIATION FOR TELECOMMUNICATIONS AND THE DISABLED";

Senate Bill No. 431 as Act 278, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ETV HAWAII/ELEPHANT TELEVISION, INC.";

Senate Bill No. 1230 as Act 279, entitled: "RELATING TO INCOME TAX WITHHOLDING"; and

Senate Bill No. 1756 as Act 280, entitled: "RELATING TO THE ENVIRONMENTAL RESPONSE LAW".

Gov. Msg. No. 258 returning House Bill No. 359, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 17, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 359

Honorable Members
Sixteenth 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. 359, entitled, 'A Bill for an Act Relating to Divorce Proceedings.'

The purpose of House Bill No. 359 is to mandate that in contested divorce proceedings involving allegations of spouse abuse, the family court shall not require either party to participate in a mediation program. Although the intent of House Bill No. 359 to prevent spouse abuse victims from having to undergo mediation against their will is understandable, this bill raises the following concerns:

- (1) The extent of the problem is not clear. The committee report acknowledges that the family courts, in general, exempt battered spouses

from mediation in divorce proceedings. According to the First District Family Court (FDFC), the judge in a particular divorce case would not require a spouse abuse victim to go through mediation unless it was deemed to be in the best interest of the victim. Therefore, it is not clear that women are being adversely subjected to mediation.

- (2) Under the provisions of this bill, the judge would be barred from requiring participation in any of the three components of the mediation program, including the educational and the screening components. According to the FDFC, the educational and the screening components often help the abused spouse in dealing with divorce and its aftermath without subjecting the victim to an undesirable one-on-one confrontation with the spouse abuser.
- (3) The bill stipulates that the family court judge can be barred from requiring participation in a mediation program based solely on an accusation of spousal abuse. According to the FDFC, this may lead to a proliferation of false accusations being made just to avoid the mediation process. This would not only circumvent the intent of this bill but it would also result in cases unnecessarily going to trial.
- (4) The best course of action may not be achieved. According to the FDFC, mediation for spouse abuse victims is not necessarily bad for the victim and, in some cases, is more beneficial for the victim. If a spouse abuse victim is unaware of the benefits of mediation and refuses to go through mediation, the judge would be forced to have the case go to trial even though it may not be in the best interest of the victim.

For the foregoing reasons, I am returning House Bill No. 359 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. 359, entitled, 'A Bill for an Act Relating to Divorce Proceedings,' was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 359 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. 359 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 17th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 259 transmitting copies of the 1990 Annual Report of the Waikiki Convention Center Authority (WCCA), pursuant to Chapter 206X-15, Hawaii Revised Statutes.

Gov. Msg. No. 260 informing the House that on June 18, 1991, he signed the following bills into law:

House Bill No. 1952 as Act 281, entitled: "RELATING TO ACCESSORY USES ON AGRICULTURAL LANDS";

House Bill No. 1989 as Act 282, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 2119 as Act 283, entitled: "RELATING TO COMMUNITY HEALTH AND HUMAN SERVICES";

Senate Bill No. 8 as Act 284, entitled: "RELATING TO INSURANCE";

Senate Bill No. 390 as Act 285, entitled: "RELATING TO TRAVEL AGENCIES"; and

Senate Bill No. 1914 as Act 286, entitled: "RELATING TO INSURANCE TAXATION".

Gov. Msg. No. 261 informing the House that on June 19, 1991, he signed the following bills into law:

House Bill No. 675 as Act 287, entitled: "RELATING TO TAXATION";

House Bill No. 899 as Act 288, entitled: "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION";

Senate Bill No. 154 as Act 289, entitled: "RELATING TO FOOD LABELING";

Senate Bill No. 1053 as Act 290, entitled: "RELATING TO THE WILDLIFE REVOLVING FUND";

Senate Bill No. 1329 as Act 291, entitled: "RELATING TO LIQUID FUEL"; and

Senate Bill No. 2008 as Act 292, entitled: "RELATING TO TRUST COMPANY POWERS".

Gov. Msg. No. 262 transmitting his statement of objections to Senate Bill No. 1390 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 19, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1390

Honorable Members
Sixteenth 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. 1390, entitled, 'A Bill for an Act Relating to the High Technology Development Corporation.'

The purposes of Senate Bill No. 1390 are (1) to set forth the purpose and duties of the High Technology Development Corporation (HTDC), (2) to expand the powers of HTDC in concert with its purpose and duties, (3) to amend the qualifications for membership on the HTDC board, and (4) to increase the aggregate limit on loans from the state general fund to HTDC from \$500,000 to \$1,000,000.

However, Senate Bill No. 1390 is substantially identical to House Bill No. 899, which was also passed during the Regular Session of 1991. Since I intend to approve House Bill No. 899, which will accomplish the purposes of Senate Bill No. 1390, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1390 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. 1390, entitled, 'A Bill for an Act Relating to the High Technology Development Corporation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1390 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. 1390 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 19th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 263 returning House Bill No. 201, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS

TO HOUSE BILL NO. 201

Honorable Members
Sixteenth 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. 201, entitled, 'A Bill for an Act Relating to Legislative Vacancies.'

The purpose of House Bill No. 201 is to specify a time certain, namely sixty days, within which the Governor must appoint a person to fill any vacancy in the State Legislature.

There appears to be no compelling reason to statutorily limit the time within which gubernatorial appointments to fill vacancies in the State Legislature must be made. Additionally, state law already requires that a person appointed to fill a vacancy in the State Legislature be of the same political party or nonpartisanship as the person being succeeded. To further require that said person be an actual 'member' of the same political party will significantly limit the pool of possible appointees, and this will have a particularly unfair impact on smaller political parties.

For the foregoing reasons, I am returning House Bill No. 201 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. 201, entitled, 'A Bill For an Act Relating to Legislative Vacancies,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 201 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. 201 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 264 returning House Bill No. 1016, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1016

Honorable Members
Sixteenth 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. 1016, H.D. 1, S.D. 1, C.D. 1, entitled, 'A Bill for an Act Relating to Administrative License Revocation.' I have discussed my concerns at some length below in the hope that the Legislature will take the opportunity to address them in the Special Session which is scheduled to commence on June 24, 1991.

As originally introduced, this bill, an Administration measure, and House Bill No. 608, a Judiciary measure, would have implemented the recommendations of the Task Force convened by the Administrative Director of the Courts, ("Director"), pursuant to Senate Resolution No. 188 which was adopted in 1990. As required by Section 13 of Act 188, Session Laws of Hawaii 1990, ("Act 188"), the Director, with the assistance of the Task Force, examined Act 188 to determine what additional provisions would be necessary to implement administrative license revocation.

The original version of House Bill No. 1016 contained the provisions recommended to reinstate the implied consent law sanctions which had been deleted without explanation by Act 188. The original version of House Bill No. 608 contained the provisions recommended to facilitate the procedural implementation of administrative license revocation. The two bills were combined by the House of Representatives and House Bill No. 1016 became the vehicle for adding the provisions recommended by the Task Force.

The version of this bill which emerged from Conference Committee and which was passed by the Legislature accomplished many of the recommendations made by the Task Force. They are as follows:

- (1) Reestablish a one year license revocation period for refusal to submit to a breath or blood test (assuming that the driver is also found to be under the influence of intoxicating liquor, an issue discussed below);
- (2) Require proof of financial responsibility after the driver's license is administratively revoked;
- (3) Consolidate the Notice of Administrative Revocation and the Temporary Permit issued to the driver to reduce paperwork;
- (4) Require the driver to surrender the Temporary Permit if the driver is convicted of criminal charges before the administrative proceeding is completed;
- (5) Permit the police, instead of the Director, to return the license if a breath or blood test indicates that the arrestee's blood alcohol concentration is below .10;
- (6) Preclude issuance of a Temporary Permit to a driver who is unlicensed or whose license has been suspended or revoked;

- (7) Authorize inclusion of administrative revocation decisions on the driver's traffic abstract; and
- (8) Preclude a stay of the administrative revocation pending the outcome of judicial review.

However, the final legislation failed to reinstate the most important sanction for refusal to take a blood or breath test: unconditional license revocation. This had been the law since 1967 but was effectively repealed by Act 188. Without the sanction of license revocation, many drivers will refuse to submit to a blood alcohol test because they know that their license cannot be revoked unless they are found to have been under the influence of intoxicating liquor. Of course, it will be much more difficult to prove that fact because there will be no objective, scientific evidence.

Moreover, even if the license is revoked, the driver is still eligible for a conditional permit to drive to the same extent as a driver who takes the test and fails, another significant departure from the law in effect since 1967. In addition, failure to reinstate unconditional license revocation for drivers who refuse the test will cost the State \$262,000 per year for five years, or a total of \$1,310,000, in additional federal grants for alcohol countermeasures.

The final bill also failed to add several important procedural provisions recommended by the Task Force. First, the Task Force determined that administrative license revocation and criminal proceedings should be completely separate, as is the case in every other jurisdiction in the nation with an administrative license revocation law. This is based on the fundamental concept that while the administrative proceeding is intended to protect the public, the criminal proceeding is intended to punish the driver.

Separation of the proceedings was to be accomplished by provisions which would remove the prosecutor from the administrative proceeding while preserving the right of the prosecutor to pursue criminal proceedings. Accordingly, if the driver prevailed in the administrative proceeding, the prosecutor would not be able to appeal that decision but the decision would not preclude criminal prosecution.

In addition to its failure to amend Act 188 by adding these important provisions, this legislation compounds the problems created by Act 188's linkage of the administrative and criminal proceedings. The bill would not only prevent criminal prosecution where an initial paper review resulted in dismissal of the administrative proceeding but it would also make that review decision unappealable. As a result, the future course of all administrative and criminal proceedings could be determined without ever giving the prosecutor an opportunity to be heard.

The Task Force also recommended that administrative hearings be scheduled only for those drivers who want them instead of scheduling them for every driver as Act 188 requires. This provision is necessary because experience in other states has shown that only about twenty percent of drivers want an administrative hearing. Scheduling hearings for the remaining eighty percent will waste resources needed for those drivers who really want a hearing and may unduly delay completion of those hearings. This result is both contrary to the purpose of administrative revocation and unfair to drivers who wish to contest the proposed revocation. Unfortunately, due to a technical error in the bill, it is unclear whether the Director must schedule an administrative hearing for every driver or only for those who request one.

Finally, this legislation would make it possible for the driver to keep driving until the administrative proceeding is completed. Act 188 provided that the driver's Temporary Permit would be extended only if the Director or the prosecutor requested a continuance of the administrative hearing. The change made by this bill would give the driver considerable incentive to delay the proceedings, one of the problems which administrative revocation is supposed to solve. In addition, a technical error in the bill may prevent the Director from continuing an administrative hearing, even where there is good cause to do so.

For the foregoing reasons, I am returning House Bill No. 1016, H.D. 1, S.D. 1, C.D. 1, 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. 1016, entitled, 'A Bill for an Act Relating to Administrative License Revocation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1016 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. 1016 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 265 returning House Bill No. 1604, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1604

Honorable Members
Sixteenth 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. 1604, entitled, 'A Bill for an Act Relating to Higher Education.'

The purposes of House Bill No. 1604 are to authorize the Governor to request the organization of one private nonprofit corporation, to be known as the Hawaii Educational Loan Marketing Corporation (HELMAC), for the acquisition of student loan notes held by local financial institutions pursuant to the federal Higher Education Act of 1965, as amended, and to authorize the Board of Regents of the University of Hawaii to develop real property and construct projects thereon.

I have serious concerns about the ambiguities in this bill. The Legislature stated in section 1 of this bill that 'no bonds or other obligations of HELMAC will constitute a debt, liability, or obligation of the State of Hawaii or of any agency or political subdivision thereof.' However, section 2 of this bill will amend section 309-1.5, Hawaii Revised Statutes, to delete the requirement in the current paragraph (3)(C) that the face of each obligation state that the obligations 'shall not constitute nor be deemed to constitute a general, limited, or moral obligation of the State of Hawaii, or any department, agency, or political subdivision thereof under any constitutional, statutory, or other construction.' Moreover, section 2 will also amend section 309-1.5 to provide that HELMAC shall be 'authorized and empowered to issue obligations pursuant to section 103 of the Internal Revenue Code of 1986, as amended,' which excludes from taxable gross income the interest earned on state and local bonds, which are defined to mean obligations of a state or a political subdivision thereof. Therefore, the amendments made to section 309-1.5 appear to authorize HELMAC to issue bonds that are obligations of the State or a political subdivision of the State, contrary to the Legislature's stated belief in section 1 of the bill.

Furthermore, under current law the Board of Regents has the authority to develop real property and construct University projects thereon. Section 3 of this bill will, in effect, constrain the Board's existing authority by making the covered projects subject to additional prior authorization of the Legislature.

For the foregoing reasons, I am returning House Bill No. 1604 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. 1604, entitled, 'A Bill for an Act Relating to Higher Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1604 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. 1604 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 266 transmitting his statement of objections to Senate Bill No. 408 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 408

Honorable Members
Sixteenth 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. 408, entitled, 'A Bill for an Act Relating to Parental Involvement in Education.'

The purpose of Senate Bill No. 408 is to establish that as a matter of state policy parents and guardians of public school students have an affirmative responsibility to participate in the education of their children.

Because existing law already authorizes the Board of Education to adopt policies 'for carrying out the general scheme of education,' I believe it is already empowered to establish policies to encourage greater parental involvement in public schools, if that is the objective of this measure. Moreover, I understand that the Department of Education is already operating the statewide Parental Community Network Centers (PCNC) Program which was designed to enrich home-school partnerships. Finally, while the goals of this bill are certainly worthy, attempting to achieve them through legislation is inappropriate. Not only is it impossible to define, much less enforce, the responsibility sought to be imposed, but the creation of such a statutory duty may result in unintended liability on both the parents and the public schools. Involving parents in the education of their children is better left to sound and creative programs and policies of the Board of Education and the Department of Education.

For the foregoing reasons, I am returning Senate Bill No. 408 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. 408, entitled, 'A Bill for an Act Relating to Parental Involvement in Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 408 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. 408 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 267 transmitting his statement of objections to Senate Bill No. 817 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 817

Honorable Members
Sixteenth 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. 817, entitled, 'A Bill for an Act Relating to Youth.'

The purpose of Senate Bill No. 817 is to transfer the Youth Development Project from the Department of Public Safety to the Department of Human Services, to be administered by the Office of Youth Services (OYS).

However, because the Youth Development Project is not established by statute and is merely funded by appropriations, the transfer of the project can be accomplished by appropriating the funds to the Department of Human Services. The project does not have any state employees. Since the general appropriations bill for fiscal biennium 1991-1993 already reflects the transfer of the Youth Development Project to the Department of Human Services, enactment of this bill is unnecessary.

Moreover, this bill appears to circumvent civil service law. In addition to transferring the Youth Development Project, this bill also attempts to transfer the employees of the Research Corporation of the University of Hawaii (RCUH) involved in the Youth Development Program to the OYS, without loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges. Furthermore, the bill stipulates that the RCUH employees may be transferred or appointed to a civil service position without the necessity of examination,

provided that the employee possesses the minimum qualifications for the position. Consequently, not only does this bill sidestep the recruitment and classification process provided in chapter 76, Hawaii Revised Statutes (circumventing the principle of competition for the most qualified applicant), it would also appoint non-state employees into civil service positions. This goes beyond other grandfathering legislation that appoint state exempt hires into regular civil service positions.

For the foregoing reasons, I am returning Senate Bill No. 817 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. 817, entitled, 'A Bill for an Act Relating to Youth,' was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 817 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. 817 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 268 transmitting his statement of objections to Senate Bill No. 1083 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 20, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1083

Honorable Members
Sixteenth 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. 1083, entitled, 'A Bill for an Act Relating to Collective Bargaining.'

The purpose of Senate Bill No. 1083 is to establish a Teacher Classification and Compensation Review Committee to study and report on the issues relating to the existing codification of the teacher compensation and classification schedules.

Presently, negotiations of salary increases for teachers are not prohibited by the existing teacher compensation schedule. However, matters of classification and reclassification have long been a management prerogative and excluded from negotiations. Establishment of a joint labor-management committee to review the compensation and classification schedules of teachers would have serious ramifications on all government employers and may infringe upon management's prerogative in the area of classification. In addition, this bill does not appropriate any moneys to implement its purpose.

For the foregoing reasons, I am returning Senate Bill No. 1083 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. 1083, entitled, 'A Bill for an Act Relating to Collective Bargaining,' was passed by the Legislature and was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1083 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. 1083 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 20th day of June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 269 informing the House that on June 20, 1991, he signed the following bills into law:

Senate Bill No. 9 as Act 293, entitled: "RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION";

Senate Bill No. 1543 as Act 294, entitled: "RELATING TO CABLE TELEVISION ACCESS ORGANIZATIONS"; and

Senate Bill No. 1757 as Act 295, entitled: "RELATING TO PROHIBITION AGAINST RETAILING OF MOTOR FUEL BY REFINERS".

Gov. Msg. No. 270 informing the House that on June 26, 1991, he signed the following bills into law:

House Bill No. 139 as Act 296, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 24 as Act 297, entitled: "RELATING TO HIGHER EDUCATION";

House Bill No. 513 as Act 298, entitled: "RELATING TO STERILIZATION OF ADULT WARDS";

House Bill No. 598 as Act 299, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 608 as Act 300, entitled: "RELATING TO ADMINISTRATIVE LICENSE REVOCATION";

House Bill No. 701 as Act 301, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 1177 as Act 302, entitled: "MAKING AN APPROPRIATION FOR A TOTALLY ELECTRONIC VOTING SYSTEM";

House Bill No. 1685 as Act 303, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 2194 as Act 304, entitled: "MAKING AN APPROPRIATION TO ADJUST THE SALARIES OF UNIVERSITY OF HAWAII ADMINISTRATIVE PROFESSIONAL AND TECHNICAL EMPLOYEES";

Senate Bill No. 249 as Act 305, entitled: "RELATING TO COUNTY BUILDING CODES";

Senate Bill No. 420 as Act 306, entitled: "RELATING TO MEDICAID";

Senate Bill No. 621 as Act 307, entitled: "MAKING AN APPROPRIATION FOR PROFESSIONAL DEVELOPMENT";

Senate Bill No. 693 as Act 308, entitled: "MAKING AN APPROPRIATION FOR NURSING HOME WITHOUT WALLS";

Senate Bill No. 809 as Act 309, entitled: "MAKING AN APPROPRIATION FOR DESIGN AND CONSTRUCTION OF A BIKE PATH AND WALKWAY";

Senate Bill No. 1045 as Act 310, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 1167 as Act 311, entitled: "RELATING TO THE ESTABLISHMENT OF A JUVENILE JUSTICE INFORMATION SYSTEM";

Senate Bill No. 1311 as Act 312, entitled: "RELATING TO PARKS";

Senate Bill No. 1354 as Act 313, entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 1434 as Act 314, entitled: "RELATING TO PERSONS DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS";

Senate Bill No. 1523 as Act 315, entitled: "RELATING TO GOVERNMENT MINERAL RIGHTS";

Senate Bill No. 2006 as Act 316, entitled: "RELATING TO STATE TORT LIABILITY ACT";

Senate Bill No. 2101 as Act 317, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECT"; and

Senate Bill No. 2114 as Act 318, entitled: "MAKING AN APPROPRIATION FOR THE ALA MOANA GATEWAY IMPROVEMENT PROJECT".

Gov. Msg. No. 271 returning House Bill No. 600, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 600

Honorable Members
Sixteenth 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. 600, entitled, 'A Bill for an Act Relating to Courts.'

The purpose of House Bill No. 600 is to streamline the jury selection process by eliminating the requirement for jury panels, and to eliminate jury exemptions for certain occupations.

While I am in agreement with the proposed amendments to Sections 612-17 and 612-18, Hawaii Revised Statutes, relating to jury panels, I am concerned about the impact upon the people of this State caused by requiring attorneys, department heads, elected officials, judges, ministers, priests, practicing physicians, dentists, members of the Armed Forces, police officers, and firefighters to serve as jurors. Jury service by such people may well cause serious hardship, injury, or damage to members of the public who rely upon them but who will be deprived of their services during the period of jury duty. A department head may be unavailable for important state functions, a medical doctor unavailable for life-saving treatment, or a priest unavailable for care critical to the spiritual well-being of his flock.

Act 366, Session Laws of Hawaii 1987, created two-year trial periods by prohibiting the claiming of exemptions during 1989 and 1990 in the First Judicial Circuit and during 1990 and 1991 in the other judicial circuits.

However, as noted in the jury management study dated July 1990, '[a] local rule in the first circuit continued the exemptions for physicians, dentists, members of the armed forces, members of police and fire departments.' Consequently, I question how the trial periods could have resulted in any reliable conclusions that would justify the permanent deletion of the provisions allowing claims for exemption from jury service.

For the foregoing reasons, I am returning House Bill No. 600 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. 600, entitled, 'A Bill for an Act Relating to Courts,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 600 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. 600 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 272 returning House Bill No. 776, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 776

Honorable Members
Sixteenth 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. 776, entitled, 'A Bill for an Act Relating to the Promotion of International Events.'

The purposes of House Bill No. 776 are (1) to amend section 281-32.5, Hawaii Revised Statutes (permits for trade shows or other exhibitions), to allow trade exhibitors, trade organizations, or other exhibitors to apply for temporary permits to sell liquor at a discount at trade exhibitions and other shows, and (2) to appropriate \$10,000 for the planning of an international wine conference upon the condition that such funds are matched dollar-for-dollar by private contributions.

Legislative support of this bill was based on the assumption that an economic benefit to the State of Hawaii could be derived from the staging of an international wine conference. However, recognition was not given to the fact that an image associated with wine must be cultivated to establish any credibility in sponsoring an international wine conference. Hawaii is not noted for its wine consumption, and wine

manufacturing in this State has not reached significant levels. Thus, sponsorship of an international wine conference as a means of positioning the State as an 'important Pacific-region meeting center' does not appear to be logical.

Any benefits provided to the visitor industry by the staging of an international wine conference will be incidental and cannot serve as a primary justification to support this measure.

For the foregoing reasons, I am returning House Bill No. 776 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. 776, entitled, 'A Bill for an Act Relating to the Promotion of International Events,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 776 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. 776 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 273 returning House Bill No. 1707, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1707

Honorable Members
Sixteenth 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. 1707, entitled, 'A Bill for an Act Relating to Health Planning.'

The purpose of House Bill No. 1707 is to amend and clarify several sections of chapter 323D, Hawaii Revised Statutes, relating to health planning and health care cost control. One of the sections of the bill amends the definition of 'organized ambulatory health facility' under section 323D-2, by excluding from that definition the private offices of physicians, dentists, or other practitioners of the healing arts. Presently, the law requires the private offices of practitioners to seek review and approval from the State Health Planning and Development Agency (SHPDA) if they provide or perform certain types of non-bed services.

The amendment to the definition of 'organized ambulatory health care facility' in the bill would have been acceptable, had an accompanying bill, House Bill No. 627, also been passed by the Legislature. House Bill No. 627 would have preserved the statutory and legal requirements for certificate of need review and approval by SHPDA when private practitioners are providing or performing such non-bed services. Because House Bill No. 627 was not passed, the unintended effect of House Bill No. 1707 would be to allow such non-bed services to be provided by private practitioners, without SHPDA review or approval, and to allow all costs related to the provision of such services to be passed on to the consumer. This unintended result would allow the unregulated proliferation of such services by private practitioners, thereby driving health care costs higher.

For the foregoing reasons, I am returning House Bill No. 1707 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. 1707, entitled, 'A Bill for an Act Relating to Health Planning,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1707 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. 1707 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 274 returning House Bill No. 2107, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2107

Honorable Members
Sixteenth 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. 2107, entitled, 'A Bill for an Act Relating to Mount Olomana.'

The purpose of House Bill No. 2107 is to direct the Board of Land and Natural Resources to immediately take all necessary actions pursuant to law to place all conservation district lands on Mount Olomana, Island of Oahu, into the protective subzone.

On January 25, 1991, the Board of Land and Natural Resources (1) designated Mount Olomana as a significant geological and unique area; and (2) directed its staff to begin the process to change the department's regulations governing conservation district lands to place all conservation district lands on Mount Olomana into the protection subzone. Consequently, enactment of this bill is unnecessary.

Further, it is my belief that it is bad policy for the Legislature to pass session laws that are, in essence, actually resolutions, but put into the form of a law.

For the foregoing reasons, I am returning House Bill No. 2107 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. 2107, entitled, 'A Bill for an Act Relating to Mount Olomana,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2107 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. 2107 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 275 transmitting his statement of objections to Senate Bill No. 1449 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1449

Honorable Members
Sixteenth 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. 1449, entitled, 'A Bill for an Act Relating to the Employees' Retirement System.'

The purposes of this bill are to (1) recompose the board of trustees of the Employees' Retirement System (ERS) and increase its membership from seven to eleven members, so that it consists of the State's Director of Finance, three 'employee trustees,' a 'retiree trustee,' two rather than three elected trustees (one of whom is a teacher), and four rather than three citizen trustees; (2) require the Governor to appoint the three 'employee trustees' from lists of nominees selected by the exclusive representatives of the various public employees collective bargaining units; (3) establish an initial staggering of terms to ensure continuity; (4) reduce the term of office for the trustees of the ERS from six to five years; (5) increase the number of concurring votes required for any decision by the trustees from four to six; and (6) require a study of a proposal to allow retirants to increase their membership service by purchasing their active military service.

I believe that the State of Hawaii has one of the best government employees' retirement systems in the nation. I do not believe that there is any significant problem that requires the recomposition of the ERS board of trustees at this time.

For the foregoing reasons, I am returning Senate Bill No. 1449 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. 1449, entitled, 'A Bill for an Act Relating to the Employees' Retirement System,'

passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1449 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. 1449 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 276 transmitting his statement of objections to Senate Bill No. 1766 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1766

Honorable Members
Sixteenth 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. 1766, entitled, 'A Bill for an Act Relating to Solar Energy.'

The purpose of Senate Bill No. 1766 is to require after January 1, 1992, the installation of solar water heating equipment in residential development projects built with State funds, located on State lands, or otherwise subsidized by the State.

The idea of establishing a statutory scheme for conservation measures is laudable, but this bill serves to preclude other energy-saving options that may be equally or more effective to carry out the purpose and intent of this bill.

For the foregoing reason, I am returning Senate Bill No. 1766 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. 1766, entitled, 'A Bill for an Act Relating to Solar Energy,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1766 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 1766 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 277 transmitting his statement of objections to Senate Bill No. 1915 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1915

Honorable Members
Sixteenth 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. 1915, entitled, 'A Bill for an Act Relating to Job-Sharing for Public Employees.'

The purpose of Senate Bill No. 1915 is to amend Act 244, Session Laws of Hawaii 1989, to clarify that nurses may participate in job-sharing and to delete the requirement that the Legislative Auditor submit interim status reports in 1991 and 1993.

The bill attempts to allow nurses to participate in the voluntary job-sharing pilot project established by Act 244, Session Laws of Hawaii 1989, by deleting from the excluded persons the reference to those persons allowed to job-share under Act 73, Session Laws of Hawaii 1986, which applied specifically to nurses. However, because Act 244 specifically applies only to permanent full-time employees of the executive branch belonging to collective bargaining units 2, 3, 4, 8, and 13 and because nurses are in collective bargaining unit 9, which is not included in the stated enumeration, the amendment made by this bill does not appear to accomplish its purpose.

For the foregoing reason, I am returning Senate Bill No. 1915 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. 1915, entitled, 'A Bill for an Act Relating to Job-Sharing for Public Employees,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1915 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. 1915 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 278 transmitting his statement of objections to Senate Bill No. 2013 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 26, 1991

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2013

Honorable Members
Sixteenth 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. 2013, entitled, 'A Bill for an Act Relating to Games of Chance.'

The purpose of Senate Bill No. 2013 is to permit certain service organizations to raise funds by conducting bingo and raffle games. This is intended to provide an additional source of revenue to these organizations which might not otherwise receive sufficient funds from the Legislature or from other types of fundraisers.

While the purpose of the bill is laudable, particularly in uncertain economic times, there is an absence of compelling evidence that these organizations have been, or will be, unable to achieve their goals through more traditional means of fundraising. In fact, these organizations testified overwhelmingly against this bill in light of the social evils they believe it portends. Moreover, there is the very real concern that bingo and raffles are the first step down the road to legalized gambling. This runs contrary to a longstanding policy against gambling in this State, a policy reaffirmed just last year with the enactment of a law prohibiting gambling ships.

For the foregoing reasons, I am returning Senate Bill No. 2013 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. 2013, entitled, 'A Bill for an Act Relating to Games of Chance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2013 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. 2013 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 June, 1991.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 279 transmitting copies of the report entitled, "**Annual Report, Statistical Supplement, 1989.**"

Gov. Msg. No. 280 informing the House that on June 27, 1991, he signed the following bill into law:

Senate Bill No. 2102 as Act 319, entitled: "RELATING TO STATE BONDS".

Gov. Msg. No. 281 informing the House that on July 2, 1991, he signed the following bills into law:

House Bill No. 370 as Act 320, entitled: "MAKING AN APPROPRIATION FOR THE REPATRIATION OF NATIVE HAWAIIAN HUMAN REMAINS";

House Bill No. 515 as Act 321, entitled: "RELATING TO LIVING WILLS";

House Bill No. 889 as Act 322, entitled: "RELATING TO FAMILY LITERACY";

House Bill No. 895 as Act 323, entitled: "RELATING TO INDIVIDUAL HAWAIIAN HOME LANDS TRUST CLAIMS";

House Bill No. 954 as Act 324, entitled: "RELATING TO INTEGRATED SOLID WASTE MANAGEMENT";

House Bill No. 1230 as Act 325, entitled: "RELATING TO HAWAIIAN HOME LANDS";

House Bill No. 1697 as Act 326, entitled: "RELATING TO NATURAL AREA PARTNERSHIPS";

House Bill No. 1699 as Act 327, entitled: "RELATING TO FOREST STEWARDSHIP";

Senate Bill No. 818 as Act 328, entitled: "RELATING TO FAMILY LEAVE"; and

Senate Bill No. 1330 as Act 329, entitled: "RELATING TO HOLIDAYS".

Gov. Msg. No. 282 informing the House that on July 8, 1991, he signed the following bills into law:

House Bill No. 1090 as Act 330, entitled: "RELATING TO CURFEW FOR MINORS";

House Bill No. 1121 as Act 331, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1748 as Act 332, entitled: "MAKING AN APPROPRIATION FOR PUBLIC EDUCATION";

Senate Bill No. 1340 as Act 333, entitled: "RELATING TO LONG TERM CARE"; and

Senate Bill No. 1381 as Act 334, entitled: "RELATING TO THE CREATION OF A COMMISSION FOR PERFORMANCE STANDARDS".

Gov. Msg. No. 283 informing the House that after considerable study and reflection, and after hearing the impressive arguments of those who have favored, and those who have opposed it, he has permitted the following measure to become law on July 11, 1991, without his signature:

Senate Bill No. 1379 as Act 335, entitled: "RELATING TO GRANTS, SUBSIDIES AND PURCHASES OF SERVICE".

Gov. Msg. No. 284 transmitting copies of the Natural Energy Laboratory of Hawaii 1988-1990 Biennial Report, pursuant to Section 227-3(9), Hawaii Revised Statutes.

Gov. Msg. No. 285 transmitting copies of a report prepared by the Tourism Training Council entitled, Report to the Governor on Employment.

Gov. Msg. No. 286 transmitting copies of a report entitled, 1990 Biennial Report on Vocational Education, prepared by the State Council on Vocational Education to fulfill the requirements of the Carl Perkins Vocational Education Act, P.L. 98-524.

Gov. Msg. No. 287 transmitting copies of an evaluation of the Leasehold Information Brochures developed by the Housing Finance and Development Corporation (HFDC).

Gov. Msg. No. 288 transmitting copies of the 1989-90 Annual Report prepared by the Hawaii Housing Authority, pursuant to Chapter 356, Hawaii Revised Statutes, as amended.

**MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Misc. Com. No. 8 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of H.C.R. No. 188, HD 1, entitled: "URGING THE MEMBERS OF THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT THE ESTABLISHMENT OF THE UNITED STATES-PACIFIC NATIONS JOINT COMMERCIAL COMMISSION HEADQUARTERS IN HAWAII."

Misc. Com. No. 9 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of H.R. No. 147, HD 1, entitled: "RECOGNIZING THE YEAR 1993 AS THE 100TH YEAR SINCE THE OVERTHROW OF THE INDEPENDENT NATION OF HAWAII."

Misc. Com. No. 10 from Walter J. Stewart, Secretary, United States Senate, acknowledging receipt of House Concurrent Resolution No. 187.

Misc. Com. No. 11 from Shirley M. Green, Special Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Resolution Nos. 188, HD 1, and 187.

Misc. Com. No. 12 from Linda Crockett Lingle, Mayor, County of Maui, acknowledging receipt of House Resolution Nos. 258, HD 1; 261 and 367.

Misc. Com. No. 13 from Russell S. Kokubun, Chairman, Hawaii County Council, acknowledging receipt of House Resolution No. 261, requesting the counties to re-evaluate their property tax structure to establish a forest tax classification.

Misc. Com. No. 14 from Russell S. Kokubun, Chairman, Hawaii County Council, acknowledging receipt of House Resolution No. 258, HD 1, urging the counties to provide tax relief for agroforestry and reforestation.

Misc. Com. No. 15 from Linda Crockett Lingle, Mayor, County of Maui, acknowledging receipt of House Resolution No. 74, HD 1.

Misc. Com. No. 16 from Philip W. Arnold, Minister Counselor for Press and Public Affairs, United States Mission to the United Nations, acknowledging receipt of House Resolution No. 122, HD 1.

Misc. Com. No. 17 from Walter M. Ozawa, Director, Department of Parks and Recreation, City and County of Honolulu, acknowledging receipt of House Resolution No. 148, HD 1.

Misc. Com. No. 18 from Russell S. Kokubun, Chairman, Hawaii County Council, acknowledging receipt of House Resolution No. 74, HD 1, requesting a study to encourage public and private employees to adopt telework policies allowing employees to work at home.

Misc. Com. No. 19 from Russell S. Kokubun, Chairman, Hawaii County Council, acknowledging receipt of House Concurrent Resolution No. 142, HD 1, requesting all State and County agencies to use gender-neutral language in their publications and communications.

Misc. Com. No. 20 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 101, HD 1, entitled, "URGING THE UNITED STATES POSTMASTER GENERAL TO MAXIMIZE POSTAL SERVICES NEAR THE VICINITY OF THE HAWAIIAN OCEAN VIEW ESTATES RESIDENTIAL SUBDIVISION, HAWAII."

Misc. Com. No. 21 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 340, HD 1, entitled, "URGING THE ESTABLISHMENT OF A COMPREHENSIVE NATIONAL HEALTH INSURANCE PROGRAM."

Misc. Com. No. 22 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 22, SD 1, entitled, "EXPRESSING STRONG SUPPORT FOR HAWAII RESIDENT BRUCE I. YAMASHITA AND DENOUNCING RACIAL DISCRIMINATION."

Misc. Com. No. 23 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 222, HD 1, entitled, "REQUESTING THE FEDERAL GOVERNMENT'S SUPPORT OF NATIONAL TELECOMMUNICATIONS AND COMPUTING NETWORK INITIATIVE FOR HAWAII."

Misc. Com. No. 24 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 281, HD 1, SD 1, entitled, "REQUESTING A STUDY OF THE BENEFITS, STRUCTURE, AND APPLICATION OF A FEDERAL MARKET ORDER FOR HAWAII MACADAMIA NUTS."

Misc. Com. No. 25 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 317, SD 1, entitled, "EXPRESSING STRONG SUPPORT FOR THE PASSAGE OF THE CIVIL RIGHTS ACT OF 1991."

Misc. Com. No. 26 from Howard S. Kihune, Council Chair, Maui County Council, acknowledging receipt of House Concurrent Resolution No. 142, HD 1, and House Resolution No. 74, HD 1.

Misc. Com. No. 27 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 87, SD 1, entitled, "REQUESTING A COOPERATIVE EFFORT TO ENSURE THAT HEART TRANSPLANT SERVICES ARE AVAILABLE AND ACCESSIBLE TO THE PEOPLE OF HAWAII."

Misc. Com. No. 28 from Shirley M. Green, Special Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Concurrent Resolution No. 147, HD 1.

Misc. Com. No. 29 from Daryl T. Yamamoto, County Clerk, Office of the County Clerk, County of Maui, acknowledging receipt of House Resolution No. 258, HD 1, entitled, "URGING THE COUNTIES TO PROVIDE TAX RELIEF FOR AGROFORESTRY AND REFORESTATION."

Misc. Com. No. 30 from Daniel W. McGovern, Regional Administrator, United States Environmental Protection Agency, acknowledging receipt of House Concurrent Resolution No. 178, HD 1, urging EPA to provide funds for coral reef assessment to determine the current health of Hawaii's coral reef system.

Misc. Com. No. 31 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 38, HD 1, entitled, "EXPRESSING CONCERNS REGARDING THE PROPOSED LAUNCHING OF POLARIS MISSILES FROM THE PACIFIC MISSILE RANGE FACILITY AT BARKING SANDS, KAUAI."

Misc. Com. No. 32 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 304, HD 1, requesting that the Department of Business, Economic Development and Tourism form a task force to persuade the Pacific Asia Travel Association (PATA) to relocate its headquarters to Hawaii.

Misc. Com. No. 33 from the Honorable Patsy T. Mink, Member of Congress, transmitting copies of letters from various individuals relating to Hawaii's macadamia nut industry.

Misc. Com. No. 34 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 203, HD 1, entitled, "RESPECTFULLY REQUESTING THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO CONSIDER RELOCATING ITS SAND ISLAND COAST GUARD FACILITIES."

Misc. Com. No. 35 from Helene H. Hale, Councilwoman, County of Hawaii, acknowledging receipt of House Concurrent Resolution No. 142, HD 1.

Misc. Com. No. 36 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 160, HD 1, entitled, "REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE LAW PROHIBITING THE DUPLICATION OF VETERANS' BENEFITS TO ENABLE DISABLED MILITARY RETIREES TO RECEIVE SERVICE-CONNECTED DISABILITY COMPENSATION AND THE LONGEVITY RETIRED PAY WITHOUT A DEDUCTION FROM THE LATTER."

Misc. Com. No. 37 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 304, HD 1, entitled, "REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO FORM A TASK FORCE TO PERSUADE THE PACIFIC ASIA TRAVEL ASSOCIATION TO RELOCATE ITS HEADQUARTERS TO HAWAII."

Misc. Com. No. 38 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 117, HD 1, entitled, "REQUESTING THE HAWAII U.S. CONGRESSIONAL DELEGATION TO PROVIDE HUMANITARIAN ASSISTANCE TO THE PEOPLE OF RONGELAP ATOLL, MARSHALL ISLANDS."

Misc. Com. No. 39 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 130, SD 1, entitled, "REQUESTING LEGISLATION TO AMEND THE FEDERAL AVIATION REGULATIONS RELATING TO MINIMUM ALTITUDES FLOWN BY SIGHTSEEING HELICOPTERS IN HAWAII."

Misc. Com. No. 40 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Concurrent Resolution No. 271, entitled, "REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO PROTECT AND SUPPORT HAWAII'S GARMENT MANUFACTURING, WHOLESALE, AND RETAILING INDUSTRIES."

Misc. Com. No. 41 from the Honorable Neil Abercrombie, Member of Congress, acknowledging receipt of copies of various House Resolutions.

Misc. Com. No. 42 from Sylvie A. Bryant, Chief, United Nations Office at Vienna, New York Office, acknowledging receipt of House Concurrent Resoluion

No. 138 regarding the development of a Group Living Facilities Master Plan.

Misc. Com. No. 43 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of House Resolution No. 82, entitled, "OPPOSING BENEFIT-CUTTING PROPOSALS MADE BY THE DEPARTMENT OF VETERANS AFFAIRS AS A COST-REDUCTION MEASURE."

Misc. Com. No. 44 from Joseph R. Biden, Jr., Chairman, Committee on the Judiciary, United States Senate, acknowledging receipt of House Concurrent Resolution No. 317, SD 1, expressing the Hawaiian State House of Representative's support of H.R. 1, the Civil Rights Act of 1991.

Misc. Com. No. 45 from the Honorable Daniel K. Inouye, United States Senator, thanking the members of the House for advising him of the approval of the Civil Rights Act of 1991.

Misc. Com. No. 46 from Douglas B. Hansen, Director, Base Closure and Utilization, Office of the Assistant Secretary of Defense, acknowledging receipt of House Resolution No. 203, HD 1, concerning the Coast Guard facilities at Sand Island.

Misc. Com. No. 47 from the Honorable Daniel K. Inouye, United States Senator and Chairman, Select Committee on Indian Affairs, acknowledging receipt of a copy of the resolution adopted by the Hawaii State Legislature determining that the Year 1993 should serve as a year of special reflection on the rights and dignities of the Native Hawaiians within the Hawaiian and the American societies.

Misc. Com. No. 48 from G.V. (Sonny) Montgomery, Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, acknowledging receipt of House Resolution Nos. 82 and 160, HD 1, concerning benefits for veterans.

Misc. Com. No. 49 from Daniel D. Haley, Administrator, United States Department of Agriculture, acknowledging receipt of House Concurrent Resolution No. 281, HD 1, SD 1, requesting a study of the benefits, structure, and application of a Federal marketing order for macadamia nuts grown in Hawaii.

Misc. Com. No. 50 from Tatsuki Shiramizu, Secretary of the Board of Regents, University of Hawaii, acknowledging receipt of House Resolution Nos. 73; 92; 94, HD 1; 173, HD 1; and 190; and House Concurrent Resolution Nos. 61; 84, HD 1; 93; 98; 99; 143; 215; 234; 244, HD 1; 314, SD 1; and 331.

Misc. Com. No. 51 from Shirley M. Green, Special Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Concurrent Resolution Nos. 38, 222, 343, 138, 317 and 271, and House Resolution Nos. 82, 133 and 160.

Misc. Com. No. 52 from Jack Brooks, Chairman, Committee on the Judiciary, U.S. House of Representatives, acknowledging receipt of House Concurrent Resolution No. 317, SD 1, expressing its strongest support for adoption of H.R. 1, the Civil Rights Act of 1991.

Misc. Com. No. 53 from Jack Brooks, Chairman, Committee on the Judiciary, U.S. House of Representatives, informing the House that House Concurrent Resolution No. 317, relating to the Civil

Rights Act of 1991, has been forwarded to the Subcommittee on Civil and Constitutional Rights.

Misc. Com. No. 54 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 340, HD 1, urging the establishment of a comprehensive national health insurance program.

Misc. Com. No. 55 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 87, SD 1, requesting a cooperative effort to ensure that heart transplant services are available and accessible to the people of Hawaii.

Misc. Com. No. 56 from Charles T. Force, Associate Administrator for Space Operations, NASA, acknowledging receipt of House Concurrent Resolution No. 222, HD 1, requesting the Federal government to provide a high-capacity communications link to the University of Hawaii.

Misc. Com. No. 57 from Andre S. Tatibouet, President, Aston Hotels & Resorts, acknowledging receipt of House Concurrent Resolution No. 283.