

SIXTY-SECOND DAY

Wednesday, April 29, 1992

The House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:25 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by The Reverend John Park, Rector of Saint Luke's Episcopal Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Sixty-First 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-First Day was approved.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 89) was read by the Clerk and placed on file:

Gov. Msg. No. 89, informing the House that on April 27, 1992, he signed the following bills into law:

Senate Bill No. 1151 as Act 40, entitled: "RELATING TO INTRAGOVERNMENTAL TRANSFERS";

House Bill No. 2835 as Act 41, entitled: "RELATING TO HEALTH";

House Bill No. 2302 as Act 42, entitled: "RELATING TO ROADWORK";

House Bill No. 2820 as Act 43, entitled: "RELATING TO TRAFFIC OFFENSES";

House Bill No. 3003 as Act 44, entitled: "RELATING TO EXTRADITION";

House Bill No. 3021 as Act 45, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING";

House Bill No. 3239 as Act 46, entitled: "RELATING TO PERSONS WITH DISABILITIES";

House Bill No. 3266 as Act 47, entitled: "RELATING TO ATTORNEYS' FEES";

House Bill No. 3306 as Act 48, entitled: "RELATING TO THE EXECUTIVE DIRECTOR OF HAWAII BROADCASTING AUTHORITY"; and

House Bill No. 3314 as Act 49, entitled: "RELATING TO TESTAMENTARY ADDITIONS TO TRUSTS".

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 826 and 826A) were read by the Clerk and placed on file:

Sen. Com. No. 826, returning House Concurrent Resolution No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO CONSIDER RESTRICTING OR BANNING GREEN WASTE IN LANDFILLS, AND DEVISING ALTERNATIVE METHODS OF ITS DISPOSAL AS A PART OF THEIR INTEGRATED SOLID WASTE

MANAGEMENT PLANS," which was adopted by the Senate on April 28, 1992.

Sen. Com. No. 826A, informing the House that the Senate has adopted House Concurrent Resolution No. 329, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF INSTITUTING A STATEWIDE COMPREHENSIVE GROUND WATER MONITORING PROGRAM AND A WATER TESTING SYSTEM," on April 28, 1992.

At 11:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:01 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 Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 2 and S.B. No. 1440, 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. 1440, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO CHANGE THE REQUIREMENT FOR THE OATH OF OFFICE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 3 and H.B. No. 2322, 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. 2322, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE DATE FOR CONSTITUTING THE REAPPORTIONMENT COMMISSION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 4 on H.B. No. 2123, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2123, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

Representative O'Kieffe's remarks are as follows:

"Mr. Speaker, I rise to speak with reservation on S.B. 2123, HD 1, SD 1, CD 1.

"In so doing, Mr. Speaker, I wish to speak on missed opportunities. You are aware of my commitment to education and of my support for comprehensive reform.

"If it were not for the Hawaii Business Roundtable investing over \$500,000 for two comprehensive studies -- studies to look at Hawaii's 150 year old education system and its highly centralized bureaucracy -- I am convinced we would not have SCBM today, nor would we have a task force on educational governance, nor even be talking reform.

"Mr. Speaker, while House Draft 1 was a bill filled with many opportunities, House Draft 1 'emptied' that measure despite the 19 widely divergent testifiers speaking in favor of it. The Conference Draft before us now is a bill of missed opportunities. . . opportunities which could have become significant successes for us, and with the brand of the 16th Legislature burnt indelibly upon it.

"Fully promoting school/community-based management by making it attractive and allowing it to be responsive to each school's community is a missed opportunity.

"The structure of the Board of Education -- appointed, elected, or otherwise -- is secondary. What we need in order to ensure equity, broad policy, and minimum standards is a representative and qualified entity to work with, and to facilitate, SCBM.

"If local decision-making is truly one of Hawaii's goals for education, then reform must be aimed at encouraging SCBM and facilitating its implementation.

"In preliminary data from a survey sent to my constituency, an overwhelming 93 percent favor SCBM and 63 percent supported elected district school boards. Only 7 percent favored an elected State board and 8 percent an appointed board.

"Only when teachers, principals, students, and parents realize that SCBM and education reform really are one of the top priorities of the Legislature and Executive Branch of this State, will they be willing to proceed full steam ahead.

"Parents must be allowed to -- and be willing to -- take responsibility for the education of their children. SCBM must become the center from which we work collaboratively, and at that center is the student, the teacher, the parent and the community.

"Mr. Speaker, education reform must make SCBM easy and appealing. Only when SCBM and true education reform engage our public will they want to be involved. Can we honestly say that what we will be passing out today as reform measures will elicit such response? I seriously think not!

"Second, Mr. Speaker, failure to make a thorough financial commitment to education is a missed opportunity.

"I fully understand that today is not the hey day of times past. The priorities debated by the task force and education committees are many. But, certainly, quality education is not an extravagance. It is a basic need and right of the citizenry, and a sound investment in the future.

"A good education can mean the difference between a meaningful job and a menial one. It can also be the difference between enhancing our society or taking from it through welfare, social services, even prison or abject poverty.

"I have my doubts about all this talk of fiscal prudence and lean times when we have approximately 140 fat special funds with millions of unencumbered dollars and -- on top of that -- billion dollar accounts in a couple of local banks. Mr. Speaker, our problem is not so much low revenues as it is poor spending habits -- and not providing for the rainy day we knew eventually would come. Why have we committed so much money to these special funds of questionable priority when we speak of education as this government's foremost priority?

"Financial commitment and special funds -- well, they lead me to the Executive Branch. While requiring the Governor to give public notice before cutting education funds is a good start, the people have told us they expect more -- much, much more -- like public hearings or limiting executive power to restrict funds. I ask, to whom do we ultimately owe our allegiance? Fiscally speaking, Hawaii's children are the bottom line.

"Mr. Speaker, when we take no real risk, all we can ever expect to see is little reward. I am referring now to lump sum budgeting -- another missed opportunity! While I am pleased to see our schools receive special funding for limited repair and maintenance -- funding that each individual school will control; it is sorely disappointing that we will again be studying lump sum budgeting rather than implementing it. I was hopeful when Senator Mike McCartney incorporated a pilot project on modified lump sum budgeting into his omnibus governance bill, House Bill 2123, HD 1, SD 1. It would have been simply that, a test -- and a positive start! What will pass instead is another plan for the Department of Education to develop!

"I say that it's time for a basic change in attitudes. We must trust our schools' administrators, faculty, students and parents enough to give them and the SCBM councils the opportunity to plan their own destinies. If they make mistakes, and most likely they will, so be it! So do we! But it's a start and it's action -- positive and thoughtful action! There is nothing wrong with stumbling, picking yourself up, dusting off, and trying again.

"And finally, Mr. Speaker, we have again missed the opportunity to structurally put into place an accountability mechanism to evaluate our schools and the system.

"Why do we continue to study the concept of an annual comprehensive report on public education when we should have mandated one? I have no problem working with the commission on performance standards, but let's get moving on it -- not continue to procrastinate!

"Republicans introduced the concept of a Hawaii report card and the House Education Committee agreed to this when the concept was redrafted as a resolution and passed out. This House also unanimously approved the measure!

"Let's take education reform seriously -- our window of opportunity will decrease proportionally as the frustration of our constituency increases.

"Will we simply be telling our children, and even their children. . . sorry, we missed the opportunity -- again?!

"Thank you, Mr. Speaker."

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

Representative Taniguchi's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 2123, HD 1, SD 1, CD 1, relating to education.

"During our successful retreat last fall, your members realized that through cooperation and dialogue, educational reform could be attained.

"When the Legislature convened in January, there was continued dialogue on the issue of educational reform. This dialogue brought forth many diverse ideas and options that were affirmed and encouraged by education professionals and the community at large.

"We should be thankful to groups such as the Hawaii Business Roundtable for their efforts to reform education. Most of all, we should recognize the arduous labor of the Task Force on Educational Governance who spent many hours gathering input from the public to compile a report for us.

"We have before us today, House Bill 2123 and Senate Bill 2253 that will not only keep us on the road to reform, but, eventually put in place major reforms -- the kind we all have been hoping for since the dialogue on educational reform began. The main thrust of these reforms is to always, always consider 'the students first.'

"As a public school product and a father of two children, I have a deep and abiding faith in our educational system. My two children are in public schools. I share the vision and passion to have a public education system second to none.

"As a legislator, I feel a responsibility to all of Hawaii's children -- to assure that they receive the best education possible, so that they will have pride in their schools and in themselves. As the House Conference Committee Chair on this measure, I was deeply appreciative of the contributions of all those involved in this product.

"Mr. Speaker, the educational system includes the students, teachers, administrators, parents and -- actually everyone. Therefore, in years to come, everyone will be proud of our educational system due to the reforms which we started this year, 1992.

"While our attempts at addressing reform seemed to be in bits and pieces at the beginning, through the efforts of many groups and individuals, the bits and pieces have fallen into a beautiful mosaic. The start was slow, but as the session progressed, the momentum to reform education continued to snowball. It was the sincere efforts of your members that sparked the momentum. I can frankly say that our education package is more than a foundation for a school system that is 'second to none.'

"Mr. Speaker, I hope you felt the excitement as the education package was coming into final form. Your members, the Senate, and the public have all eagerly awaited this measure. I urge all members to support it."

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

"Speaking very briefly in favor of the bill, I am very glad that we are presenting a number of options to the voters, but I did want to signal one concern I have as a voter who will go into the booth to vote on these things, and that is the issue of the independence of the educational system and the independence of the superintendent. I think it's very important that we acknowledge that when someone comes here as an appointed member of the administration, they are often constrained in the leeway that they have in the dialogue with us in that if the budget says we have so much money for education, they are duty-bound to defend that budget

and not ask for more. And we've seen that happen with many of our departments who very loyally will defend the administration budget. But we now have a luxury in the existing system where our superintendent and Board of Education can come to us and they can say -- the budget presented to you is inadequate and here's what we need, and this is why we need it, and we are not being disloyal by doing this. We are fulfilling our constitutional duties as duly elected members of the Board of Education as well as the superintendent who is chosen to articulate the policies of that Board. I think, for me, the operative phrase on this is -- do you want a leader or do you want a bureaucrat? And I think that, for myself, I feel very uneasy about exchanging someone who has the independence of not being appointed by the Governor for someone who will be part of his loyal team.

"This issue of accountability, to me, is a big, fuzzy ball of feelings and allegations and beliefs that somehow, if we are allowed to point the finger directly at the Governor, education will be improved dramatically for the student. I don't believe that that is the true meaning of accountability. I think that what some of these proposals imply, in the choice we give to the voters, is -- do you want less independence on the part of the Board of Education and on the part of the superintendent?"

"And so, while I am very glad that we are proposing these for public choice in the election this fall, and I am very glad about some of the proposals we have in the overall education budget, I, as an individual voter, will not be supporting appointed superintendents or appointed Boards because I believe very strongly that the education system, in the dialogue we have over it in this Legislature, is best served by an independent entity that is not bound by the administrative budget or the administrative policy, but is bound by their perception of the needs of the education system. I want to hear what the real budgetary needs are of those schools. I don't just want to hear what the administration's budget can allow for it.

"So with those remarks, I am glad we are passing this out. I think the public is well served by having the choice, but I am very uneasy about the choices that we are presenting.

"Thank you."

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

"House Bill 2123, HD 1, SD 1, CD 1, is a bill in reference to reforming Hawaii's public educational system.

"In essence and overall, this bill is a very positive piece of legislation in having the Legislature and Governor release the control of the 'purse strings.' As a personal note as a former budget analyst in State government and private sector, the real control of governance in education, as I had mentioned earlier and previously in the past, lies in the control of the 'purse strings.' The specifics in releasing control of the 'purse strings' are as follows:

- (1) The Legislature requesting and allowing the Department of Education to take the lead to formulate, through involvement of parties (parents, educators, students, etc.), lump-sum budgets for schools by the year 1993. Thus, the Legislature will not be able to micro-manage education by itemizing educational programs. In short, lump-sum budgeting will empower Hawaii's public schools to be self-governing in the very near future through the

concept of school/community-based management.

- (2) The Governor will be made to be more accountable to the community (citizens of the State of Hawaii) for not releasing or restricting the education budget following the budget becoming law. Specifically, the Governor must make a public declaration ten days before any planned restriction or reduction to the education budget. The public declaration will state the reasons why funds are being withheld or cut along with the explanation of revenue projections and collections.

"In essence, the declaration will empower Hawaii's citizens, whereby creating a watchdog situation to embrace actual involvement in Hawaii's government. For upon the public's desire, the ten days notification allows the Board of Education, other government agencies or individual elected officials to give six days notification for public hearing, according to HRS Chapter 92, to conduct a public hearing on the restrictions. Thus, practicing the democratic process. I thank the PTSA and conferees of this bill for supporting the ten-day notification period before any restriction by the Governor to enable a public hearing to be held. This has been a dream come true for me for the past six years. I thank you very much.

"Now, my reservations to House Bill 2123, which is reflective to the concerns expressed by the grassroots community that have talked to me.

"The reservation is the position of the bill in how the Department of Education Superintendent is to be selected, whether the Board of Education be appointed or elected as to be posed on the ballot. People have expressed to me that they object to the Governor imposing upon them that a Governor-appointed superintendent is the only way to have an accountable education system. In other words, the embracement of school/community-based management concept (empowering the schools) would no longer exist and would contradict with the message behind lump-sum budgeting and ten-day notification, that of inviting involvement by all.

"Fortunately, because this will be put on the ballot, the voters of the State of Hawaii will have the opportunity in the primary election and the general election to make their choices as to what they desire.

"I thank you very much for the opportunity."

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

"I have two areas that are of great concern to me, one of which is the fact that while it does contain many essential school reforms, it is only a beginning and I really don't feel it goes far enough. My constituents have long asked for major reforms. They were pleased with the Governor's Task Force results and while the beginnings of that reform are in this bill, I certainly would like to see them move faster into our school system so that we can have a school system second to none in our State.

"And secondly regards the actual choices. My concern regards the choices that will be on the ballot for our primary election for our voters to vote on. I feel it's a 'loaded' ballot. It doesn't truly reflect the choices that the people have asked for when they were polled, when parents were polled, as to the kinds of choices that they would like on the Board of Education. They overwhelmingly were in favor of something that came closer to a local or district concept as far as education, something where they could vote at least by county, if not

by district. The Governor's Task Force also recommended a County Board of Education. This flies in the face of those concerns of both the people and the Task Force and again returns it to a statewide board and, at the same time, gives the people no choice over the selection of the Superintendent of Schools, so it truly is a 'loaded' ballot, and for the people it's a no-win situation, and for these reasons I vote for this bill, happily in favor of the education reform that's here, but with great concern regarding what is being presented before the people.

"Thank you, Mr. Speaker."

Representative Lee then rose and stated:

"I rise to speak in favor of the bill without any reservations although it contains elements which I would not totally agree with.

"The point about this bill is that it represents many years of hard work by many people, beginning before I came to the Legislature and starting with Dr. Berman and his report, and above all, the fantastic work that was done by the Lieutenant Governor and his task force and the long public hearings they held.

"The point about the public hearings in which parents, teachers, and even students attended, was that all points of view were presented but it was not possible that every point of view be included in the legislation. So I would like to insert some comments and in addition, I would like to read a paragraph from the **Honolulu Star-Bulletin** editorial of April 23 -- that is last week. And it has a prediction and I think it's a very good prediction, and we can thank all the people who worked so hard on this bill as well as the subsequent Senate Bill 2253, and this is what the **Star-Bulletin** said last week before the work was finished: 'Action on school measures by House and Senate conferees is continuing, making unlikely the need for a special session, and increasing chances of extraordinary education reform measures emerging from this late-blooming session.'

"Thank you, Mr. Speaker."

Further remarks by Representative Lee are hereby inserted:

"Actually, the bill speaks for itself.

"Section One of the bill reads as follows: 'Hawaii's statewide system has been the envy of mainland states for its ability to equally apportion money between rich and poor, urban and rural schools. But the centralization standard has become a burden for Hawaii parents who want their schools to adapt to local needs.'

"The need for reform has been discussed for many years. In 1988, the Berman Report, commissioned by business leaders, recommended that school buildings be renovated and new ones built. The next year, the Legislature enacted a law establishing a seven-year, \$630,000,000 school facility fund.

"The key Berman recommendation, however, was reform of school governance. The report states that 'the lines of authority overlap, so that everyone is responsible, so no one is.' The **Advertiser**, in its editorial of July 14, 1991, described the system as nonsensical: 'An elected school board sets policies and hires and fires the schools' superintendent. The Department of Education carries out the board's instructions. The board also recommends a budget, but it is usually cut by the Governor before it even goes to the Legislature. The Legislature appropriates funds often substituting its own goals and

programs for those of the board and Governor. Ultimately, the Governor decides whether to allocate the money under what terms.'

"The Task Force on Educational Governance has worked many hours, researching and attending numerous hearings. The Legislature recognizes the Task Force's important work and would like to continue the Task Force's work by implementing some of its recommendations.

"In response to public hearings and comments, the Legislature seeks to reform governance by making the Governor and the Legislature responsible and accountable."

Representative Yonamine then rose and requested that his remarks, in strong support of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Yonamine's remarks are as follows:

"Mr. Speaker, I speak in support of House Bill 2123 which calls for the people to decide on an elected or appointed Board of Education. The Task Force on Educational Governance worked long and hard to prepare their report. They are to be commended for their efforts and I would especially like to recognize Representative Robert Bunda, the representative of the House on the Task Force, for his contribution, and the Conference Committee for its careful work.

"I want to draw attention to the provision in House Bill 2123 that allows for two questions to be submitted to the electorate at the 1992 primary election. The first option allows the Governor to appoint the Superintendent of Education and the second allows the Governor to appoint both the Superintendent and the Board of Education. The option that receives the most votes will be put on the ballot at the 1992 general election to amend the Constitution.

"Under this bill, the role of the Board is to establish policy, guidelines and standards. By allowing citizen participation in choosing how the Board will be selected, the voters are challenged to think through the consequences of each choice and to take ownership of the new process. This is essential for all aspects of school reform.

"To the extent that the community is engaged in this reform, the hope for success rises and falls. The public schools are public, the responsibility of all of us. They are the seat of our democracy, training our children whether they be rural or urban, Oahu or neighbor island, rich or poor, and regardless of ethnic or racial or religious background. Girls and boys now in our schools will one day, for better or worse, run this Legislature, manage our banks and businesses, teach in our schools, serve in our hospitals.

"With the steps we take today we begin a long journey, a march toward excellence in education that will, if achieved, ensure for our children and for our children's children the kind of society that we would all want to live in.

"Thank you."

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

"Mr. Speaker, Henry Ford was a marketing genius. He put a Model T Ford in everybody's house, but did you ever wonder why every Model T Ford was black? It's

because he marketed it by saying, it comes in any color as long as it's black and, Mr. Speaker, this bill does the same thing. You can have any kind of Board of Education you want as long as it's under the control of the Governor, as long as he appoints the Superintendent, and that the Governor has control of the educational process.

"We are offering no real choice for the people of Hawaii and the irony, Mr. Speaker, is that the people of the State of Hawaii have already spoken. They want an elected Board, they want to vote for the Board and for those who represent us in the educational process.

"The Lieutenant Governor has polled this; I have polled it -- all of us have polled this -- and if we come up with the obvious, why an appointed Board is even on the ballot is beyond my understanding unless for sure we want to make sure that the Governor has the last say in controlling education. Is that what we really want, Mr. Speaker?

"Again, this bill is merely Henry Ford's rhetoric in the disguise of a Model T and maybe that's what we're going to get out of it.

"Thank you."

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

"At the outset, I would just note that this is a Constitutional amendment contained in the bill regarding governance and as such the failure by the electorate to ratify that amendment will retain the elected school Board and the current process of appointing the Superintendent, as Representative Tam pointed out, so I think that's really a non-issue.

"I would note also, Mr. Speaker, that despite the rhetoric about how popular our elected Board is, only 53 percent of the people who do vote in our elections participate in that particular election.

"But, Mr. Speaker, what I'd really like to do is talk a little bit more about House Bill 2123, HD 1, SD 1, CD 1, which essentially attempts to define the roles and responsibilities of all the entities involved in the governance of public education here in Hawaii.

"The measure under consideration is the successful culmination of numerous legislative, as well as public meetings, and reflects the participation and the insights of many, if not most, legislative members. And although the final agreed-on version of House Bill 2123 does not precisely reflect the recommendations made by the Task Force led by Lt. Governor Cayetano, this measure still reflects the intent and spirit behind the work and purpose behind the Task Force's efforts to resolve the issue of educational governance -- to let the people decide how the State's public educational system will be governed and administered.

"This upcoming election year, the people will have a choice at the primary election to vote on two proposals:

- (1) Whether to allow the Governor to appoint the Superintendent of Education; or
- (2) Whether to allow the Governor to appoint both the Superintendent and the Board of Education or, as pointed out earlier, in the general election you can elect to ratify neither, and of the successful proposals that advances to the general election, or you can elect not to ratify that if you're happier with the current system.

"Under both proposals that will be on the ballot in the primary, the Board of Education's role would be to establish policy, guidelines, and standards. The Superintendent would manage the school system. The proposal that receives the greatest votes in the primary election will be placed on the ballot of the general election for final ratification. Again, the people are given full opportunity to participate and decide the outcome of this question.

"Because of the importance of these issues, I ask the support of my colleagues, both from the House and Senate, to call upon the Lt. Governor and ask that he conduct an educational campaign regarding the importance of these two proposals. The people must be made aware of the placement on the ballots in this election year of the issues and in the way in which those issues are framed to ensure that everyone has the opportunity to participate in an intelligent fashion in deciding ultimately how we're going to have educational governance in Hawaii.

"Before I close my remarks regarding House Bill 2123, I would just like to take this opportunity, Mr. Speaker, to recognize and commend the efforts of the Education Committee and our own Majority Leader, Brian Taniguchi, for facilitating the participation of both chambers regarding these issues. In addition, Mr. Speaker, as a matter of policy, I don't normally comment on members of the Senate although I note that they don't exercise that same reticence about members of the House. Nevertheless, I would like to note two Senators whose participation was key to the successful outcome of this measure, and that was Senator Milton Holt and Senator Mike McCartney. I think they all deserve a special praise from this body.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I want to point out that the issue of an elected Board, appointed Board, elected Superintendent, whatever the scenario, it is not a reform measure. There is a division of the educational districts into how, across the nation, as to how they choose to exercise governance. And, in fact, in 1984 we had a huge debate on the floor about an appointed versus an elected Board, and in processing the issue at that time, Mr. Speaker, I would submit to this body that a lot of research went into looking at whether there was really any difference in the performance of a school system under an appointed versus elected Board, appointed Superintendent versus one hired from the Board, and the national experience has been there's virtually no difference and that the difference is in the quality of the people that serve on these Boards and the quality of the Superintendent, regardless of the method of selection. So, again, this is not a reform item. Elected/appointed has been with this country since the inception of the public education system and it is the other parts of the bill that really serve to give some 'meat' to our road in trying to bring about some real reform.

"I think, Mr. Speaker, the issue of an elected or an appointed Board is a political issue. It is really not an issue that is going to make one wit of difference as to whether, in the immediate future, we'll see any significant changes in the system and there are some of us who would want to present the illusion of change by making a big deal out of an elected or appointed Board. I think it is a big deal that the public be given the choice and we're doing that and for that reason, I support this bill.

"Thank you."

Representative Thielen then rose and requested that her remarks, in favor of the bill, be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Thielen's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 2123, HD 1, SD 1, CD 1, with reservations.

"I am seriously troubled that we are taking a step backward by proposing a constitutional amendment which would allow the Governor to appoint the Superintendent of Education and the Board of Education.

"We are working to decentralize education and place more decision-making authority at the local level. An elected school Board has its roots in the community precisely because the members are elected and accountable to the voters.

"In a recent survey conducted of Kailua residents, only 13 percent voted in favor of an appointed school Board. We should listen to the voices of the community."

Representative Kawakami then rose and stated:

"Mr. Speaker, I would just like to make a few comments in favor of House Bill 2123 and the rest of it, I would like to have my strong comments inserted in the Journal.

"Let me just say, as a former administrator and teacher, I take great pride in commending the exemplary efforts of the community to bring improvements to our public school system through the public process.

"This year's legislative 'education package' which I consider the nuts and bolts of educational reform includes this measure, also Senate Bill 2253 and House Bill 3493. The three measures are indicative of the Legislature's efforts to respond to student needs and community concerns. I would like to say that throughout my thirty years in public education, this is the first time I can remember where such bold initiatives were made regarding education.

"The impetus and time for educational change is now. Let me say that this is a first step effort. All three measures support and move forward efforts to improve student learning, student achievement, outcomes, and restructuring of our educational system. Everyone has a stake in education and everyone has a part in this public responsibility so I say -- let's move forward together for the good of our children.

"Thank you, Mr. Speaker."

Further remarks by Representative Kawakami are hereby inserted:

"House Bill 2123, HD 1, SD 1, CD 1, along with the other educational measures previously cited, emphasizes the Legislature's commitment to the values of governing flexibility, community involvement, and school empowerment. Throughout my thirty years in education, this is the first time I can remember where such bold initiatives were made regarding education. The impetus and time for educational change is now.

"One cannot talk about the legislative session without talking about the commendable efforts of the Task Force on Educational Governance. Last year, the Legislature passed Act 332, which established the Task Force on

Educational Governance to examine the critical issues of school governance.

"After months of exhaustive public discussion, in March, the Task Force unveiled its fifteen recommendations to restructure governance of the public school system. These recommendations are bold and far-reaching. These recommendations are also indicative of the public's concern and 'say' in educational matters and should be used as a guide for increased effort toward greater educational change, challenge, and innovation.

"Then, and now, the Legislature recognizes that to ensure positive change in education, one must look at the governance issue to implement change throughout the school system.

"In responding to the recommendations of the Task Force and to ensure that the momentum of educational improvement continues, the Legislature supported several measures designed to enhance academic excellence and achievement. It should be said that House Bill 2123, Senate Bill 2253, and House Bill 3493 represent significant action by the Legislature to pursue the recommendations of the Task Force on Educational Governance.

"House Bill 2123 supports efforts to bring renewed community interest and participation to improve our schools.

"House Bill 2123 serves two purposes. It assesses current aspects of public education, and more clearly defines the roles and responsibilities of all entities involved in the governance of public education. House Bill 2123, Senate Bill 2253, and House Bill 3493 emphasize the Legislature's strong commitment to the values of governing flexibility, community involvement, and school empowerment.

"House Bill 2123 will allow voters to opt for a new education governance structure at the 1992 primary election. In November, two questions will appear on the ballot.

"The first question asks: 'Shall the Board of Education's powers be limited to formulating policy, setting goals, and establishing standards for the public schools; and shall the Superintendent of Education be appointed by the Governor, with the advice and consent of the Senate?'

"The second question asks: 'Shall the Board of Education be appointed by the Governor, with the advice and consent of the Senate; the Board of Education's powers be limited to formulating policy, setting goals, and establishing standards for the public schools; and the Superintendent of Education be appointed by the Governor, with the advice and consent of the Senate?'

"House Bill 2123 also:

- * Requires the Department of Education to develop a modified lump-sum budgeting plan for direct student/school allocations; and
- * Requires the Governor to make a public declaration regarding any change to allotment for the University of Hawaii and the Department of Education, provided that the change shall be made only to avoid an illegal result or in anticipation of a revenue shortfall.

"Senate Bill No. 2253, SD 2, HD 2, CD 1, is a spur to the momentum of educational change within the community. Along with other bills that comprise the

'education package,' Senate Bill 2253 goes beyond mere words and moves forward to pursue efforts to instigate positive change to improve student learning and outcomes.

"Senate Bill 2253 fulfills several objectives, among them are:

- * Requires each individual school to prioritize its repair and maintenance projects;
- * Requires the Governor to develop incentives that would encourage and allow the private sector to make contributions to the educational system;
- * Permits school/community-based management councils to become involved in the selection of school personnel;
- * Encourages reform and innovation in collective bargaining negotiations between the State and unions;
- * Conducts a review of Chapters 26 and 37 of the Hawaii Revised Statutes, as they relate to education;
- * Requires implementation of a business manager program at the secondary school level; and
- * Requires the Department of Education to evaluate and implement the recommendations of the Task Force on Educational Governance, where possible.

"This bill is ambitious. This bill is bold. This bill is innovative. Accomplishing these goals will take renewed effort and commitment by all sectors of the community to achieve these goals. The effort will be worthwhile, for I believe that these actions are in 'the best interests of the student.'

"House Bill No. 3493, HD 2, SD 2, CD 1, addresses the supportive efforts toward decentralization, support for local decision-making, and participatory governance. House Bill 3493 also puts choice into education. But more importantly, this bill puts choice directly into the schools and directly into the hands of those who lead our schools -- our school principals.

"The upkeep of Hawaii's 236 public schools is no easy task. Mr. Speaker, House Bill 3493 addresses the school facility repair and maintenance concerns in two ways. First, this measure recognizes the need for timely and efficient response to school repair and maintenance problems. And second, this bill gives schools 'the teeth' to act on these problems through proper funding.

"House Bill 3493 establishes a school level minor repairs and maintenance account for each school. Through these accounts, each school will be allotted \$8,000 to respond to their minor repair and maintenance problems more expediently and efficiently. This funding mechanism will provide schools with the ability to prioritize, manage, and use their funds to ensure a safe and clean learning environment for students.

"House Bill 3493, along with several other measures that were passed out of committee this session, is a positive first step in the effort to decentralize educational decision-making and bring decision-making closer to schools.

"These measures -- House Bill 2123, Senate Bill 2253, and House Bill 3493 -- will have a far-reaching impact in Hawaii's schools and will make positive inroads to improving Hawaii's educational system. All three

measures support and 'move forward' efforts to improve student learning, achievement, and outcomes through school/community-based management and Project Ke Au Hou.

"Everyone has a stake in education, for education is in the 'best interests of the student.' Everyone has a part in this public responsibility. Let's move forward.

"I strongly urge your support for House Bill 2123, Senate Bill 2253, and House Bill 3493.

"Mahalo, Mr. Speaker."

Representative Ward then rose and stated:

"I just wanted to add one thing, Mr. Speaker, and that is the issue of decentralization of the electorates' choice. The Lieutenant Governor sent out 200,000 surveys and the vast majority of the choice of the people was (1) that it's an elected Board, and (2) that it's decentralized. Let's not fog the issue on the decentralization -- the local control. Let us be very clear when we're saying it's an issue between an appointed and elected because the issue rose with the Governor's Task Force when decentralization came out and elected came out and I think we are just rolling over that fact, and the people have spoken on this. I'm saying nothing more than what otherwise 200,000 people who were surveyed have already said.

"Thank you, Mr. Speaker."

Representative Bainum then rose and requested that his remarks, in favor of the bill with reservations, 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 House Bill 2123, with reservations.

"There is much to like about this bill. I am proud to be a member of a body that has addressed such educational concerns as lump-sum budgeting and funds restrictions.

"My reservations are about the Board and Superintendent's selections. Our current system allows the voters of the State of Hawaii to have a direct say in their schools. I believe the people want more say, not less in the policymaking and management of their schools. I believe that the people are satisfied and want an elected Board.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2123, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1440 and H.B. Nos. 2322 and 2123 had passed Final Reading at 12:25 o'clock p.m.

Conf. Com. Rep. No. 5 and H.B. No. 1180, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1180, HD 2, 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 feel that the details of abandoned vehicles and tow charges, et cetera, et cetera, really, although by law the State is allowed to do, what I really feel is that it's more appropriate that it be done under home rule and be done by the City and County.

"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. 1180, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 6 and H.B. No. 2500, 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. 2500, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 7 and H.B. No. 1715, HD 1, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1715, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"I've had several discussions over the years with some of the proponents of this concept and I believe this goes back to the time when I was chairing the Higher Education Committee. I opposed the concept then and I continue to actually oppose the concept now. This does call for a study and I still think even as a study, it's a big mistake; however, I will vote for the bill. I think we should have some concerns though. I witnessed what's happening and this is a parallel I draw if you look at what's happening to Yugoslavia, you know, the balkanization of the country with the country splitting apart.

"Our State university system is basically very small. There aren't that many campuses, certainly at the senior division level. There are a number of campuses at the community college level but at the four year college level, we basically only have two. If you look at the University of California system which I think, by any criteria, is one of the finest public higher educational systems in the country, they have nine campuses. The same can be said for a number of other state universities and they do not seem to have some of the problems of governance that we seem to have here or these people perceive that we have here, and I don't think that this is a solution.

"However, I am going to vote in favor of this bill, mainly to get the matter out of the way and also, in my own personal view, I have not been happy with the University as of late, certainly the last several years and certainly this year, and I think voting in favor of this measure is my way of telling the University that at least, in my opinion, that they've lost some friends and certainly they've lost my support. So, I'm going to vote for this bill even though I'm thoroughly opposed to it.

"Thank you."

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

"I share some of the concerns of Representative Hagino; however, I feel that this is a measure that displays the ways in which the Committee chose to be responsive to concerns that were voiced from the community on the Big Island, and I would like to commend the efforts of both subject matter chairmen in the House and Senate for going over to the island of Hawaii and meeting with various groups that Representative Tajiri so conveniently put together to voice some of the concerns that they have.

"I'd like to say that I hope, with this measure, that the study that comes forward will lay the issue to rest.

"Thank you."

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

"Mr. Speaker, I think this is a move forward because of the fact that when you refer to the University of Hawaii, people always think of the Manoa campus. In addition to that, Mr. Speaker, in my over thirty years of association with the community colleges, the Manoa campus always treated all the other colleges, including Hilo and West Oahu and the community colleges, as stepchildren. I think this is a move forward into treating all the other higher education institutions equally.

"I want you to know, Mr. Speaker, that the University of Hawaii does not accept all the credits emanating from the community colleges. In fact, they don't even accept half of the credits because the Manoa campus, as it is, is a little bit too sophisticated for a lot of the other colleges. Now and then, they are just a world by themselves, so this bill is good. It is a study but it is also a step forward. I have always said, Mr. Speaker, that Hilo today, West Oahu tomorrow, and the community colleges will also follow in divorcing themselves from the Manoa campus.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1715, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE UNIVERSITY," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Tatibouet and Ward voting no.

Conf. Com. Rep. No. 8 and H.B. No. 1346, 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. 1346, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 9 and H.B. No. 1023, 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. 1023, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 10 and H.B. No. 2455, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2455, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"This may not be on the cutting edge of anyone's agenda today, but where there are cars that go into a service station and ask to have a lost or stolen safety sticker replaced, I am concerned for the liability of some of those small service stations. If a car drives into that service station, this bill says that that service station shall replace the sticker and yet the car may show obvious safety defects. I think that this would bring any service station that then puts on the safety sticker into any subsequent litigation which might be filed. I wish that we could be more careful of our small business people because we are saying they have to do something and yet they may end up having to defend themselves in a law suit.

"Thank you, Mr. Speaker."

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

"It has been implicated by the previous speaker that small service stations are dumb and do not inspect vehicles. When you take it back, you have to also inspect the vehicles to see whether they have complied with all the laws and requirements of awarding safety stickers.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"If I could just direct my worthy colleague's attention to the Conference Draft 1 that should be before him on his desk, there is no requirement for the service station to reinspect that vehicle as long as the duration of the lost or stolen safety sticker is still current. That's my concern.

"Thank you, Mr. Speaker."

Representative Alcon, in rebuttal, stated:

"We have a law that says that every vehicle that needs a safety sticker must be inspected.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2455, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 11 and H.B. No. 3046, 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. 3046, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 12 and H.B. No. 3963, 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. 3963, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 13 and H.B. No. 2409, 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. 2409, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1180, 2500, 1715, 1346, 1023, 2455, 3046, 3963 and 2409 had passed Final Reading at 12:35 o'clock p.m.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

Conf. Com. Rep. No. 14 and H.B. No. 3533, 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. 3533, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15 and H.B. No. 2818, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2818, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

Representative Cachola's remarks are as follows:

"I rise to speak in support of House Bill 2818, HD 2, SD 1, CD 1.

"This bill proposes changes to the nursing licensure process that will make it easier for qualified candidates to attain licenses without compromising any standards.

"The bill would exempt all foreign nursing school graduates from the CGFNS or any English proficiency test, but would require a transcript evaluation.

"This will not compromise the quality of nursing care. The test of nursing skill remains the NCLEX-RN, the licensure examination. Candidates with poor nursing or English skills will not pass. The CGFNS, or any English proficiency test, simply places a redundant obstacle in the path of any nursing candidate and hinders our efforts to relieve the nursing shortage.

"I urge all of my colleagues to vote in support of this bill."

Representative Lee then rose and requested that his remarks be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Lee's remarks are as follows:

"I rise to explain my negative vote against House Bill 2818, HD 2, SD 1, CD 1.

"Nurses are the most important health provider for all patients. The relationship between nurses and patients is as important as that between doctors and patients. In both cases, they need to communicate effectively with patients.

"Exempting foreign nurses from taking an English proficiency examination does not protect the interests of the consumer, that is, the patient. Nor does such an exemption serve the interests of other foreign nurses who have taken and passed such an exam, or, indeed, others in the future who can pass such an exam."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2818, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF NURSES," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Horita and Lee voting no.

Conf. Com. Rep. No. 16 and H.B. No. 3034, 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. 3034, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 17 and H.B. No. 3028, 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. 3028, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 18 and H.B. No. 2811, 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. 2811, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19 and H.B. No. 3006, 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. 3006, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

Conf. Com. Rep. No. 20 and H.B. No. 3508, 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. 3508, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RULE AGAINST PERPETUITIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21 and H.B. No. 2131, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2131, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, this bill started off as an effort to clarify the existing law relating to remedies available to a person who has been subjected to sexual harassment in the workplace. The existing law had been interpreted by a judge to limit remedies only to lost wages and other statutory remedies and not for emotional distress or any other remedies available under case law or common law.

"This bill was first introduced three years ago with the support of the House Women's Caucus. Subsequent to the first introduction of this bill, the provision relating to the Civil Rights Commission came into operation and this Commission was given jurisdiction over the matters addressed in this bill. There was some concern about clarifying the jurisdiction of the Commission and that has been done in this bill.

"For too long claims relating to sexual harassment, or sexual assault, have been given short shrift. Some businesses believe we are going too far the other way with this bill. I don't share that view. It's about time the women and men of the State have this kind of protection.

"I thank the Labor Committee Chair for his courage in shepherding this bill, for forging a compromise, and standing firm on the need for this bill.

"I urge the members to vote in favor of this measure.

"Thank you."

Representative Thielen then rose and stated:

"I appreciated the very insightful comments of my colleague who spoke in favor of this bill. I am rising to speak also in favor of House Bill 2131.

"I do have one concern about the bill. There is an exemption for labor unions. . .my feeling is that labor unions should be required to enforce sexual discrimination contract provisions in their collective bargaining agreements. I don't feel that they should be exempt from a lawsuit, bringing them in as a defendant to a case where they fail to aggressively pursue an employee's rights in any litigation that might occur. I also think that labor unions should be at the forefront, Mr. Speaker, of defending their labor employees in sexual discrimination cases.

"Thank you, Mr. Speaker."

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

"I wish to make it very clear that I do not condone or tolerate sexual harassment -- I never have and never will. I am not easily angered but it would infuriate me if I was to see harassment in any form, especially when one has

leverage over another and takes advantage or abuses another person.

"Mr. Speaker, I submit that this bill, which purports to send a message against harassment, is in and of itself not only a harassing measure, but also represents, perhaps unintentionally for those who may not understand its full ramifications, that this bill clearly represents an abuse of legislative power and that, to me, is unconscionable as well as infuriating.

"It has been stated that the primary intent of this bill is to send a clear message that sexual harassment will not be condoned nor tolerated, and I totally agree with that intent. But this measure should really be conveyed through Chapter 368, the Civil Rights Act, which was specifically designed to address discriminatory practices, including sex, by the Civil Rights Commission. The remedies under Chapter 368, ordered by the Civil Rights Commission or by the courts, include compensatory and punitive damages, and legal and equitable relief with a long, itemized list of what that relief includes, and with a catchall of other reliefs the Commission or the court deems appropriate.

"In addition to the Civil Rights Act in Chapter 368 of our statutes, employees can also file a complaint of unlawful, discriminatory practice because of race, sex, sexual orientation, et cetera, under Chapter 378, the State's Employment Practices Act.

"The point is that there are more than ample avenues and remedies available without having to provide another option of filing suit under the Workers' Compensation Law.

"The foregoing comments indicate clearly that this bill is totally unnecessary. The real difficulty for filing suit under workers' compensation of a civil action is the lengthy, time-consuming, and very expensive process, and that the remedy through the Civil Rights Commission is not only more expedient, but avoids unnecessary costs, and through the Civil Rights Act, does provide an avenue for civil action if deemed necessary.

"This bill would create a more serious problem in undermining the philosophy of workers' compensation which is based on the fact that the employer assumes the liability regardless of fault. In exchange for that, the assumption of responsibility on the part of the employer, the employee, under law, is precluded from filing suit against his employer unless there's lawful and wanton neglect on the part of the employer. It is important to realize that before enactment of the Workers' Compensation Law, there was much chaos because the employees' remedy for such basics as wages and medical payments were often obtained only through long and costly litigation.

"Mr. Speaker and members, I believe in support of the presumption clause which places liability on the employer. I believe that because it is the responsibility of the employer to provide a safe workplace which means good, safe equipment, that employees are trained, safety rules are established and enforced, because responsibility for the prevention of accidents lies primarily with the employer. The employer then should absorb the cost of the accident which includes lost wages, medical expenses, as well as permanent or partial disability.

"Now, in exchange for the presumption clause and that assumption of responsibility, there was a trade-off that employees not be able to file suit against their employer. This is very significant because studies indicate that in eighty to ninety percent of all accidents, there is the human element -- the human factor -- whether the

employee is enhanced to poor judgment or is thinking about something else. Clearly, the employee is in part or in whole the cause of most accidents, but the employer still assumes responsibility and I believe that.

"But this bill, Mr. Speaker, would undermine and overturn that entire philosophy, and I think it is absolutely wrong. For that reason, I am voting against this bill.

"Thank you."

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

"First of all, Mr. Speaker, I would like to commend the introducer of this legislation for her foresight and her courage in the introduction of this measure, and that is Representative Hirono. I also commend the Chairman of the Labor Committee, Representative Takamine, for his handling of this measure and bringing it to this decision today.

"Because of my background, both in policing and as the State coordinator of the Office of Affirmative Action, I have had occasion to be confronted with victims, both of sexual assault and of sexual harassment. I know, because of this conduct, the difficulty with which the victims have in bringing this matter to the attention and in trying to seek some remedies and some justice. I realize also that there is a need for us to provide assistance to them in overcoming the traumas that they deal with in the cases of sexual assault and sexual harassment.

"I think that this bill provides us one more accessibility towards remedying these harms. I believe also that what it does is it provides us with the ability to curtail this kind of behavior. We have a responsibility, I think as policymakers, to assure not only the safe work environment, but also the safe play and living environment for the State of Hawaii.

"This bill, I believe, helps to promote that function and that thought and, therefore, I hope that all of the members will support it.

"Thank you."

Representative Young then rose and stated:

"Mr. Speaker, I, too, also speak from a background in this particular area -- for five years with the Department of Education. I was the Sex Equity Specialist and I implemented programs on sexual harassment in the effort of educating our students so that when our daughters are through with school, they do not have to, hopefully, enter a workplace where there is sexual harassment. However, that is not the reality.

"Last November, Representative Roz Baker and I attended the Center for American Women in Politics Conference in San Diego, along with four of our female colleagues in the Senate. Scheduled at the conference site was a public hearing on sexual harassment held by the Women's Caucus of the California Legislature. We heard from 23 testifiers. The lead testifier was Dr. Frances Connally, the Stanford University neurosurgeon, who quit after putting up with years of sexual harassment from her colleagues, including instances while she was performing surgery. Also included were women construction workers, police officers, the whole range of working women.

"Sexual harassment is a daily reality for a lot of working women. The reality of sexual harassment is that when women feel intimidated by the surroundings and fellow workers, women lose time at work, lose money,

lose self-esteem, and some even lose their jobs. The reality of sexual harassment is that women who are not sexually harassed are silent when other women are. The reality of sexual harassment is that the majority of men don't harass but as a result of a few, may suffer a loss of trust and credibility, so the men gain when men speak out against the men who harass. The reality of sexual harassment is that employers lose money, productivity, workers. The reality of sexual harassment is that when women are harassed, they take it home with them. The reality of sexual harassment is that everyone suffers, and the reality of sexual harassment is that it is discrimination on the basis of sex.

"House Bill 2131 recognizes that workers' compensation is only one step in redressing the injuries women suffer from sexual harassment rather than the inclusive remedy. The bill encourages employers to address the issue and take seriously the problems that women employees encounter when they are being sexually harassed.

"I appreciate the hard work of Representative Takamine and his Committee. I appreciate the fact that Representative Hirono introduced this three years ago and is now coming before us on the floor.

"Members, until we live in a world free of sexual harassment and discrimination on the basis of sex, legislation such as House Bill 2131 is necessary.

"Thank you."

Representative Kanohe then rose and stated:

"Mr. Speaker, I totally agree with those who have remarked in support of this measure, but I just feel that the workers' compensation law is not the place to do it, that employment practices and the Civil Rights Act are the places to do it.

"Thank you."

Representative Anderson then rose and stated:

"Mr. Speaker, I'm going to vote for the bill but I would like to make one comment on one of the areas that I've seen in sexual harassment that came before. I would say that some people have overly used it and it's a comment by one person that said, 'You look very lovely today.' The person was wearing a sweater and said, 'I know what you mean.'

"I think that some people are afraid that it will be used in the wrong way as harassment, and I think that's the concern that everybody has in most of the laws that we put out. If it's going to be overly sensitive, then it is a wrong law.

"I would hope that with this law, that the Judiciary people or the people that are going to be looking at what really is sexual harassment, will use it in the way that we intend it. It's that the women are really being harassed in the jobs and that they are not being looked at in the right stature that they should.

"Thank you, Mr. Speaker."

The Chair remarked:

"If I said, 'Representative Anderson, it's good to see your hair growing again,' it's not sexual harassment?"

Representative Anderson answered:

"That would be a positive statement."

Representative Lee then rose and requested that his remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Lee's remarks are as follows:

"The bill takes away primary jurisdiction over sexual harassment or sexual assault complaints from the Hawaii Civil Rights Commission. Instead, the complaints now fall under workers' compensation.

"In addition, the bill added a new section amending HRS, Sec. 386-8.5, which would prevent labor organizations from being joined as defendants in civil actions for failing to negotiate or enforce provisions relating to sexual harassment or sexual assault in collective bargaining agreements."

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2131, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Bellinger, Honda, M. Ige, Kanoho, Lee, Marumoto, Morihara and Peters voting no.

Conf. Com. Rep. No. 22 and H.B. No. 3466, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3466, HD 2, 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:

"Just briefly, Mr. Speaker, I wanted to explain my no vote on House Bill 3466, HD 2, SD 1, CD 1. I am in favor of the second section which amends the law to add a section for handicapped status and includes HIV seropositivity, and I do support that section of the bill. I do not support the first section of the bill, Mr. Speaker.

"Thank you."

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

"Like my colleague, I think the seropositivity section is very well taken but there's a large section in the other part that deserves comment and reasons for a 'no' vote.

"Mr. Speaker, this legislation epitomizes why we in the political arena aren't very trusted. In this bill, in that area, we fudge, we equivocate, we hem and we haw, and we end up wanting to, in effect, protect smokers and we end up opening a door that anybody doing anything off-hours, legally and off-premises, become something now that Hawaii's employers have to contend with.

"I think there's a better way of going about smoking, and I'm a veteran of twenty years of Marlboro, and my best friends are smokers, and those who smoke enjoy it. But I think there's a better way of going about it than saying anything that you do off the premises, in off hours, that we make it such a generic problem that, Mr. Speaker, I would call this voodoo employment practices rather than fair employment practices.

"Thank you."

Representative Tatibouet then rose and requested that Representative Thielen's remarks be "entered as if they were my own because I do agree totally with that section which agrees with the HIV but not with the rest of the bill," 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 H.B. No. 3466, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR EMPLOYMENT PRACTICES," having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Tatibouet, Thielen and Ward voting no.

The Chair directed the Clerk to note that H.B. Nos. 3533, 2818, 3034, 3028, 2811, 3006, 3508, 2131 and 3466 had passed Final Reading at 1:17 o'clock p.m.

"At 1:18 o'clock p.m., Representative Marumoto asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

Conf. Com. Rep. No. 23 and H.B. No. 3157, 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. 3157, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNT DEDUCTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 24 and H.B. No. 2504, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2504, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Isbell rose and stated:

"Mr. Speaker, I'd like to rise and speak in support of the housing bills, as specifically starting with House Bill 2504.

"Mr. Speaker, this bill is part of the Housing Package which was largely developed by your Committee on Housing and the community.

"Housing has been identified as one of the most pressing issues in this State and certainly can be declared a crisis for those citizens paying the bulk of their income for rental units or house payments, not to mention those who are simply left out of the 'loop' and are doubling up with friends and relatives, or are homeless.

"Today's newspaper declared that 'Islanders earn more but housing gobbling it up.' Our Housing Package acknowledges that there is a housing crisis and includes legislation to deal with it.

"The Housing Finance and Development Corporation, or HFDC, needs to become more of a facilitator and finance mechanism for contractors and developers; therefore, we have legislation providing that when the HFDC is involved in projects of fifty or more units, at least ten percent of the lots shall be for owner-builders. This will be an opportunity to truly build what your pocket can afford.

"Another bill allows for \$25-million to be committed to interim financing with the requirement that private non-profit and for-profit developers shall be given preference.

"There is legislation which establishes a seven-member commission which controls \$15-million for grants or loans for rental housing. Again, non-profits are given the nod and 50 percent of the units must be for the lower income level.

"Along with the rental units is legislation which allows the organization of Mutual Housing Associations. This allows the renters to become certified through a federally created program to purchase the project, thus allowing the developer to build another project.

"There is a program allowing a 'rent-to-own,' for the individual to finally break the rental cycle.

"The homeless may be assimilated into private homes under another proposal before you.

"The environment is also not overlooked under a bill which requires a specified percentage of homes developed through HFDC to have energy-efficient water heating systems installed.

"The private sector non-profit mortgage lenders for rental units will also benefit, providing a guarantee for loans so that the funds available can be leveraged to provide more funds for developers to building rental housing units.

"Another bill requires the counties and State to develop a plan to streamline the permit process.

"And there are many more, Mr. Speaker. But the people of this State should see much activity in the way of housing -- housing they can truly afford.

"I would like to thank all of the members of the Housing Committee who have put so much time and effort into these pieces of legislation, especially my Vice Chairman, Representative Duke Bainum; Representative Suzanne Chun, and Representative Annelle Amaral. And a special mahalo to those in the public who put in so much time and effort in helping us come up with innovation and creativity in these housing packages.

"Mr. Speaker, I also want to thank you for all your support, and to the legislators who have done so much to support us in this Housing Package. I'd also like to especially thank you for allowing me to speak on all of the bills rather than jumping up every time there's one and I'm sure my colleagues appreciate that too.

"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. 2504, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 25 and H.B. No. 3558, 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. 3558, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 26 and H.B. No. 2505, 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. 2505, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 27 and H.B. No. 3563, 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. 3563, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 28 and H.B. No. 3673, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3673, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Anderson rose to speak against the bill, stating:

"I'd like to vote no -- I've been voting no for the last twelve/thirteen years. I don't believe in taking away rights of people. I think they should be notified.

As an individual who doesn't smoke, who quit smoking on his own, I didn't need laws to do it. I think that we should have laws like we do that says, smoking is bad for your health, but I don't believe that we continuously put out laws, year after year after year, that bans them, and pretty soon someone is going to say, you can't smoke outside because the smoke is going into the air and that, too, will be polluted.

"Thank you very much."

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

"The number one cause of premature death in this country is cigarette smoking. Three hundred and sixty thousand deaths each year are directly attributed to smoking. Many of these deaths occur due to strokes, heart attacks, diabetes, cancer and chronic lung disease. Tobacco is the most deadly carcinogen known with an estimated six thousand chemicals, many of which are poisonous and present in cigarette smoke.

"This bill represents one more effort by this body to protect the health of those who choose not to smoke, particularly in confined spaces.

"I made a promise to my colleagues a couple of years ago not to try to bug them about smoking. I hope that I have lived up to that promise but I hope that, as a body, we will continue to pass legislation that can curtail and educate about this deadly item.

"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. 3673, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Final Reading by a

vote of 46 ayes to 5 noes, with Representatives Anderson, Bunda, Honda, O'Kieffe and Peters voting no.

Conf. Com. Rep. No. 29 and H.B. No. 1237, 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. 1237, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 30 and H.B. No. 2808, 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. 2808, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3157, 2504, 3558, 2505, 3563, 3673, 1237 and 2808 had passed Final Reading at 1:28 o'clock p.m.

Conf. Com. Rep. No. 31 and H.B. No. 2724, 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. 2724, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32 and H.B. No. 2391, 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. 2391, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33 and H.B. No. 3946, 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. 3946, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Horita voting no.

Conf. Com. Rep. No. 34 and H.B. No. 3843, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3843, HD 2, 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:

"On January 1, 1991, the State of Hawaii implemented the nation's first ozone layer protection law designed to regulate the release of CFCs into the atmosphere. Many of you here today took part in that historic legislation.

"This bill continues our commitment and builds on that early initiative. This is a bill with the multisyllabic words -- words that in the past many of us confronted only in our high school or college chemistry class -- words like chlorofluorocarbons, methyl chloroform, carbon tetrachloride, halon, hydrochlorofluorocarbon, photosynthesis, oceanic phytoplankton, stratospheric defense shield, and ultraviolet radiation. But these words are very familiar to many young people today because they are learning that when **TIME** magazine runs a cover story on the vanishing ozone layer over our beautiful and magnificent blue planet, when our local newspapers have front-page headlines about the vanishing ozone layer over this paradise known as Hawaii, this makes clear the euphemism -- think globally, act locally -- with serious consequences for our children's future.

"As a result, this is one issue that is capturing the energy of the children all over the world. They know the dangers of ozone depletion; they know what it will be for their future. They know that if we don't take action now, we will be leaving them a world where the sun is dangerous, where being outdoors between 10:00 a.m. and 3:00 p.m. would depend on the latest ultra-violet radiation reading.

"My thanks to Sarah DiGrazia who lives down the street from me in Lanikai who, when she was ten years old, studied about the depletion of the ozone layer with her parents, Tom and Louise, and who alerted me, Representative Mazie Hirono, and many others about her concerns and the concerns of other children. They collectively remind us that they will inherit the consequences of our decisions.

"This bill, and the other bills on recycling and environmental protection on this page, lets them know that we are listening.

"Thank you."

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

"I think the lead which the State of Hawaii is taking in this field is very, very much commendable and is already being imitated throughout the world. You will recall that in 1987, the Montreal Protocol called on countries that implemented total ban on the production and use of chlorofluorocarbons, known as CFCs, and indeed, President Bush was constrained to advance that date to 1995. In other words, as far as the United States was concerned, the production and use of CFCs would cease in 1995. And what is happening now is that other countries have taken up the lead and in November, a new protocol would likely be agreed upon whereby the deadline for the stoppage of all CFCs throughout the world will be advanced from the year 2000 to the year 1996.

"I think that the movement towards a better environment throughout the world, and especially in Hawaii, is gaining greater and greater momentum and CFCs will be relegated soon to history and, hopefully, we can repair the damage that has been done to the ozone.

"Thank you, Mr. Speaker."

"Representative Young then rose and stated:

"Mr. Speaker, I just wanted to add to some remarks that Representative Lee spoke about. Since he spoke about the Montreal Protocol Act of 1987, there is a little known story about that particular one.

"There were many nations that gathered together to draft the ozone protection law and as they were going, they were very much concerned because of the ramifications of the industry throughout the world, and they started putting brackets around the Act, deleting some of the key language that would have protected the ozone layer. At that time, there was a student observer there. Her name was Evara Bagg and she was from Australia. She was inessed and she was 17 years old. She stood up and said that the 'future of all of us lie in your brackets.' The conferees conferred to that, and the next morning they removed all of the brackets in the bill and it passed as is.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3843, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHLOROFUOROCARBONS, HALONS, AND OTHER SYNTHETIC COMPOUNDS THAT DESTROY THE EARTH'S PROTECTIVE OZONE LAYER," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 35 and H.B. No. 2336, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2336, HD 1, SD 1, 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:

"Mr. Speaker, each day thousands of tons of garbage are generated on Oahu alone. As our landfills are reaching their capacities, we are acutely aware that as an island state, we are running out of places to dispose of our refuse.

"House Bill 2336 would encourage Hawaii's newspaper publishers to develop and apply environmentally sound conservation practices by requiring them to use newsprint containing recycled paper in the publication of their newspapers.

"In recent years, we as legislators, have consistently advocated recycling initiatives to conservation and resource management. This measure brings our past efforts another step forward by creating a demand for recycled newsprint. We will further curb the growing solid waste stream.

"Mr. Speaker, I believe this bill, together with the bill requiring recycled glass to be used in the roadways and highways of this State, and also the bill strengthening the environmental impact statement system, as well as Representative Young's bill on the CFCs, I believe, viewed together, are major environmental achievements.

"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. 2336, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 and H.B. No. 3233, 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. 3233, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED GLASS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37 and H.B. No. 1930, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1930, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, issues between life and death are usually rather clear -- you're either alive or you're not alive -- and that's usually not an equivocation. However, Mr. Speaker, if I may ask my colleagues for translation of a sentence with a double negative on the bill that on page 3, lines 1 to 3, reads as follows, and I hope we can understand this because this is what we're going to pass. It says: 'A durable power of attorney for health care decisions shall be presumed not to grant authority to decide that the principal's life should not be prolonged through surgery, resuscitation, life sustaining medicine or procedures or the provision of nutrition or hydration, unless such authority is explicitly stated.' Now, does everyone understand that?

"The guy in the street and the gal in the street have got to understand that and I think, in these matters, we don't want to obfuscate and, fortunately, the Committee Report says this is what it means. It says that the durable power of attorney shall not be presumed to grant authority to prolong the principal's life through certain medical procedures unless the authority is explicitly stated. Did everybody get that? That means you don't live unless you say you want to live.

"Mr. Speaker, my reservation is -- should we have people going in the hospitals, signing these durable power of attorneys? If they don't check the two boxes that say they want food or resuscitation. . . it says if you don't check that and you fill this thing out, you've chosen not to get anything and you're gonna die. I think that turns the hypocritical oath on its ear, and I think it goes contrary to when they didn't even have one of these durable power of attorneys, and the State would at least give them food and water.

"My point is, it should be clear in the language, it should be clear on the sample, that when people fill this thing out, and I understand some of the hospitals are ensuring that they get this so there's not any legal liabilities if in case something happens if they don't have one of these or a living will, that if we put them in front of the public, they know what it is. Again, life is very clear, death is very clear, and our language should be very clear. We are the ones that are making the laws for the people.

"Thank you, Mr. Speaker."

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

"I support the concept of the bill but I feel the language is confusing to my constituents whom I read it to and to others, and I would like to, hopefully in another session, clear up the confusion. But for now, I will vote in favor with reservations."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1930,

SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POWER OF ATTORNEY," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Cachola and Duldulao voting no.

Conf. Com. Rep. No. 38 and H.B. No. 599, 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. 599, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Conf. Com. Rep. No. 39 and H.B. No. 3121, 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. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2724, 2391, 3946, 3843, 2336, 3233, 1930, 599 and 3121 had passed Final Reading at 1:39 o'clock p.m.

At 1:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:42 o'clock p.m., the Vice Speaker assumed the rostrum.

Conf. Com. Rep. No. 40 and H.B. No. 2323, 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. 2323, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 41 and H.B. No. 3726, 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. 3726, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Anderson and Peters voting no.

Conf. Com. Rep. No. 42 and H.B. No. 3303, 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. 3303, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTIGATING POWERS OF THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 44 and H.B. No. 3424, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3424, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Horita rose to speak against the bill, stating:

"Mr. Speaker and colleagues in the House, true, public salaries should not be kept secret. In fact, in some jurisdictions salaries are made public. In addition, these public salaries are published and not 'salary ranges,' which are distortions of what a public official or employee is actually receiving in compensation.

"If our intent is for the public to know what its employees are earning, then we should provide that list with no exceptions -- from the highest paid State director down to part-time contractors.

"That is why I am perplexed about this bill. Why is the University of Hawaii and its faculty being singled out? What is the purpose of asking one institution to report the salaries of its staff, and then exempting certain employees such as managers and coaches? Why are not all State employees encompassed in this bill?

"If the intended purpose of reporting these salaries is to embarrass and intimidate those who are training our children for leadership roles, then we should be concerned. However, if the intent of this bill is to open the governmental process to the public, then we should vote this bill down and reexamine it, perhaps to include all State salaries, with no exceptions.

"Thank you."

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

"The reasons for my opposition are exactly as stated by the distinguished representative from Moanalua Gardens. If we are going to do anything of this sort, it should apply to all employees and not single out the UH professors.

"Thank you."

Representative Metcalf then rose and requested a conflict ruling, saying that his wife is covered under the provisions of this bill, and the Chair ruled "no conflict."

Representative Baker then rose and requested a conflict ruling, saying that her husband might be affected by this measure, and 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. 3424, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS," having been read throughout, passed Final Reading by a vote of 40 ayes to 11 noes, with Representatives Bellinger, Duldulao, Chang, Hashimoto, Horita, M. Ige, Kanoho, Lee, Shon, Thompson and Young voting no.

Conf. Com. Rep. No. 45 and H.B. No. 2604, 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. 2604, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 46 and H.B. No. 2597, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2597, 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 recent months, Mr. Speaker, there has been an increase in number of illegal and accidental importation of alien species in Hawaii. You saw pictures on the news of boa constrictors, tarantulas and pythons, just to name a few that are being introduced to the State, and we believe that this is alarming because the permanent establishment of species like the brown tree snake, for example, from Guam will wreck havoc on the delicate balance of Hawaii's ecosystem. Unfortunately, Hawaii had the bad reputation of being the extinction capital of the world.

"I believe this bill will deter future violations by providing prison terms and dramatically increasing the fines for violators. At the same time, House Bill 2597 gives the Department of Agriculture tougher enforcement powers and mandates the disclosure of agricultural goods by crew members and passengers of vessels entering the State.

"I urge all my colleagues to 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. 2597, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 48 and H.B. No. 1926, 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. 1926, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 49 and H.B. No. 2496, 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. 2496, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50 and H.B. No. 3032, 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. 3032, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2323, 3726, 3303, 3424, 2604, 2597, 1926, 2496 and 3032 had passed Final Reading at 1:48 o'clock p.m.

Conf. Com. Rep. No. 51 and S.B. No. 576, 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. 576, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 52 and S.B. No. 2592, 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. 2592, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 53 and S.B. No. 3157, 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. 3157, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 54 and S.B. No. 1347, 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. 1347, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE AND WELFARE SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 55 and S.B. No. 3179, 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. 3179, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 56 and S.B. No. 3098, 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. 3098, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 57 and S.B. No. 3354, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 3354, SD 1, HD 1, 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:

"I leap up on this occasion because this is the first of many of the Women's Caucus measures and I don't intend to leap on those again, so to mention in passing that superior effort, I think, of both the women and the community-at-large and the women in both the House and the Senate, and the wonderful support that we have gotten from our male colleagues on issues around domestic

violence, around use of force, and issues on how we can create a safer and better society in the future. We thank all those people for their cooperation and their effort, and we support the measures that are before us and ask for your support as well.

"Thank you."

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

"Mr. Speaker, at the beginning of this session, I received a call from a constituent who was terrified, and she was being stalked. At that point, we did not have anything on the books that could really help her. I feel that with my fellow colleagues in the House Women's Caucus and the Senate Women's Caucus, we have made a very strong step forward.

"I would also like to thank the Chair of the Judiciary Committee, specifically for his sensitivity and his attention to this area, and I think, today, when we get those calls from women who are terrified, we can say that we have made a strong step forward and we now have something in the books that will help you.

"Thank you, Mr. Speaker."

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

"We did have a meeting that I know of and as far as I knew, being that they were sons, fathers, and grandfathers, they were all in favor of this.

"Thank you very much."

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

"Mr. Speaker, just a brief comment in favor of this bill, and also thanking Chairman Metcalf for passing it through.

"I'm one of the neighbor island reps who work here late at night and I think it's absolutely unconscionable the number of women who are in this building that have to ask for an escort to get to their cars parked in the Capitol underground garage or the new garage. So I appreciate having this bill, and I would like to be able to go home one night and not have to hear a woman ask for an escort.

"Thank you, Mr. Speaker."

Representative Hirono then rose and stated:

"I rise also to speak in favor of Senate Bill 3354, SD 1, HD 1, CD 1, as representing the first of a group of bills that comprise the crimes against women package, and this and the other bills representing the countless, countless hours of work on the part of the organization that put their efforts behind us and, in particular, I would like to express my appreciation for all of the work that Representative Amaral has done in putting together this package, as well as shepherding these bills through the Judiciary Committee as Vice Chair, and she has done tremendous work, has taken a lot of criticism for the compromises that these bills represent, and I certainly thank her efforts.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3354, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO HARASSMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 58 and S.B. No. 2896, 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. 2896, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 59 and S.B. No. 2382, SD 1, HD 3, CD 1:

Representative Arakaki moved that the report of the majority of the Committee be adopted and S.B. No. 2382, SD 1, HD 3, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Stegmaier rose and stated:

"I rise to speak in opposition to Senate Bill No. 2382, SD 1, HD 3, CD 1, which is the bill which would establish as a permanent program the sterile needle exchange program. Over the past two years, the program was under a trial period and during that time it had two purposes -- to prevent the spread of HIV among injection drug users, their families, and the general public; and to treat and rehabilitate injection drug users.

"Mr. Speaker, according to the report which we have received at the beginning of the session -- the needle exchange evaluation report -- the information collected to date does not show that either of these goals have been reached. This is a pilot program to be made permanent if and only if we are convinced these two goals were reached. An assessment of the sterile needle exchange program was to be done by an oversight committee and include information in several different areas. I appreciate the honesty of the report but the sketchy information on the project does not move me towards supporting it as a permanent program.

"As to the impact of the program on sharing of needles and other high-risk behavior, 43 percent increased the relative frequency with which they obtained a new sterile needle and 39 percent increased use of a sterile needle once and only once. These statistics are relatively positive but that also means that 57 percent did not increase the relative frequency with which they obtained a new sterile needle. Furthermore, the report says that 57 percent reported a reduction in the proportion of times they shared needles. But they still shared needles, and when you think about the fact that the average intravenous drug user injects four times a day, that's over a hundred times a month. You wonder how effective these proportional reductions are in stopping intravenous drug users from contracting HIV and passing it on. Realize also that the survey of people in the program showed that 43 percent have not reduced the proportion of times that they shared needles.

"The report points with greater conviction to the unexpectedly high number of people -- 160 -- who have been referred to treatment programs, 84 percent of whom are still involved. That comes out to 127 people who are in treatment programs as a result of being involved in the sterile needle exchange program. But how does that compare with the number of people unconnected to the exchange program who seek drug abuse treatment? Additionally, if you compare 127 to the 3,000 to 15,000 persons who, according to the Department of Health estimates, are intravenous drug users in the State and, by the way, these might be considerably inflated but those

are the numbers so far, how effective does this program appear?

"Mr. Speaker, the essential task for me is whether the sterile needle exchange program has done what it says it does and not to demean the heroic efforts of the individual professionals and social workers who are involved, but does it offer strong, preventive measures to prevent the spread of HIV among drug users? Does it do so so effectively that it overcomes the basic objection expressed by the prosecutor of the City and County of Honolulu that it sends the wrong message to society that we support drug use? If this was a program to strongly treat people with drug addiction before they develop HIV, a program with absolute intentions and goals of bringing intravenous drug abusers into treatment, then I believe I would support this program. Let's put our money into treatment instead of turning people away as we presently are doing.

"The evidence, sketchy though it is, does not indicate that the sterile needle exchange program is having much, if any, impact on the spread of AIDS. Therefore, Mr. Speaker, I express my opposition to making this program permanent.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 2382, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES," having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Cachola, Stegmaier and Ward voting no.

The Chair directed the Clerk to note that S.B. Nos. 576, 2592, 3157, 1347, 3179, 3098, 3354, 2896 and 2382 had passed Final Reading at 1:59 o'clock p.m.

Conf. Com. Rep. No. 60 and S.B. No. 276, 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. 276, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONDEGRADABLE SOLID WASTE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 61 and S.B. No. 2229, 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. 2229, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Tom voting no.

Conf. Com. Rep. No. 62 and S.B. No. 2674, 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. 2674, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT AGENCY," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

Conf. Com. Rep. No. 63 and S.B. No. 2729, 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. 2729, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 64 and S.B. No. 2900, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2900, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Arakaki rose and stated:

"I just want to speak in favor of Senate Bill 2900, but I have some reservations about what was done in the Conference Committee. I fully agree with the intent of being able to transfer inmates to other facilities outside the State; in fact, it's probably good for Kalihi that we don't have to call any more press conferences.

"But my concern, and my apologies to the Judiciary Chair, has to do with the additions that were put in in conference, you know, which expand the perimeters of what the Department of Public Safety can do, and I have some real concerns about what kind of precedent we're setting. Basically, we're allowing our Department of Public Safety to lease or to own land and facilities outside the State, and I assume it could even be in a foreign country because there is no limitation.

"I am just wondering what will happen, you know, who's going to be running the facilities? Is this going to be on a contract? Where is the staffing going to come from for these facilities? I assume, you know, you could probably even lease or buy a place like Alcatraz and use that as a prison for Hawaii inmates. All of this, of course, is subject to approval by a concurrent resolution, but I just think that these questions need to be addressed before we move forward with this type of proposal.

"I just wanted to mark my concerns for the Journal.

"Thank you, Mr. Speaker."

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

"The only reason why this will be a good bill, especially because of the fact that the intent of this bill is to relocate some of those long-term prisoners to the mainland, and the people that are going to be manning them are local people. And if they go to the mainland, for example in Nevada, Mr. Speaker, they could buy a home that they could afford whereby if they stay here, they couldn't even afford to rent a home. So this is a good bill, and besides we will be taking it off from the Kalihi area, and the rent in the Kalihi area is very substantial for a three-bedroom home, Mr. Speaker. You know, you have to rent it for at least \$1,500 and I'm sure that if, you know, we move some of the prisoners and move some of our people to the mainland, they would be able to live on what they earn.

"A good bill, Mr. Speaker.

"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. 2900, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORITY TO TRANSFER

HAWAII STATE INMATES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 65 and S.B. No. 2653, 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. 2653, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 66 and S.B. No. 2420, 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. 2420, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A VOLUNTARY, CONSULTATIVE, AND EDUCATIONAL FOOD SAFETY ACTIVITY FOR THE FOOD SERVICE PERSONNEL OF HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 67 and S.B. No. 3271, 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. 3271, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED ACTIVITY IN CONTRACTING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 68 and S.B. No. 2922, 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. 2922, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORMITY OF PROFESSIONAL AND VOCATIONAL LICENSING LAWS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 276, 2229, 2674, 2729, 2900, 2653, 2420, 3271 and 2922 had passed Final Reading at 2:04 o'clock p.m.

At 2:05 o'clock p.m., Representative Stegmaier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:07 o'clock p.m.

At this time, Representative Hagino rose and requested waiver of the 48-hour notice requirement "for the purpose of hearing and deciding on Senate Concurrent Resolution No. 86, extending the existence of a task force to preserve Waipio Valley. It is an identical resolution which was heard previously and passed unanimously by this body -- House Concurrent Resolution 206," and the Chair "so ordered."

Representative Hagino then said:

"Mr. Speaker, at the next recess, we will be hearing and have decision-making at my desk."

Conf. Com. Rep. No. 69 and S.B. No. 2454, SD 1, HD 2, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2454, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 70 and S.B. No. 2678, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2678, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WHOLESALE PRESCRIPTION DRUG DISTRIBUTORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 72 and S.B. No. 3109, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 3109, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 73 and S.B. No. 1526, SD 2, HD 2, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 1526, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 74 and S.B. No. 2228, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2228, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 75 and S.B. No. 2231, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 2231, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 76 and S.B. No. 3145, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and S.B. No. 3145, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 78 and S.B. No. 2253, SD 2, HD 2, CD 1:

Representative Taniguchi moved that the report of the Committee be adopted and S.B. No. 2253, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative O'Kieffe rose and stated:

"Mr. Speaker, I rise to speak with reservations on Senate Bill 2253, SD 2, HD 2, CD 1.

"Mr. Speaker, in so doing, I wish to speak on missed opportunities. You are aware of my commitment to education and my support for comprehensive reform.

"If it were not for the Hawaii Business Roundtable investing over \$500,000 for two comprehensive studies -- studies to look at Hawaii's 150 year old education system and its highly centralized bureaucracy -- I am convinced we would not have SCBM today, nor would we have a task force on educational governance, nor even be talking reform.

"Mr. Speaker, while House Draft 1 was a bill filled with many opportunities, House Draft 2 'emptied' that measure despite the 19 widely divergent testifiers speaking in favor of it. The Conference Draft before us now is a bill of missed opportunities. . . opportunities which could have become significant successes for us, and with our brand of the 16th Legislature burnt indelibly upon it.

"Fully promoting school community based management by making it attractive and allowing it to be responsive to each school's community is a missed opportunity.

"The structure of the Board of Education -- appointed, elected, or otherwise -- is secondary. What we need in order to ensure equity, broad policy, and minimum standards is a representative and qualified entity to work with, and to facilitate, SCBM.

"If local decision-making is truly one of Hawaii's goals for education, then reform must be aimed at encouraging SCBM and facilitating its implementation.

"In preliminary data from a survey sent to my constituency, an overwhelming 93 percent favor SCBM and 63 percent supported elected district school boards. Only 7 percent favored an elected State board and 8 percent an appointed board.

"Only when teachers, principals, students, and parents realize that SCBM and education reform really are one of the top priorities of the Legislature and Executive Branch of this State, will they be willing to proceed full steam ahead.

"Parents must be allowed to -- and be willing to -- take responsibility for the education of their children. SCBM must become the center from which we work collaboratively, and at that center is the student, the teacher, the parent, and the community.

"Mr. Speaker, education reform must make SCBM easy and appealing. Only when SCBM and true education reform engage our public will they want to be involved. Can we honestly say that what we will be passing out today as reform measures will elicit such a response? I seriously think not!

"Second, Mr. Speaker, failure to make a thorough financial commitment to education is a missed opportunity.

"I fully understand that today is not the heyday of times past. The priorities debated by the task force and education committees are many. But, certainly, quality education is not an extravagance. It is a basic need and right of the citizenry, and a sound investment in the future.

"A good education can mean the difference between a meaningful job and a menial one. It can also be the difference between enhancing our society or taking from it through welfare, social services, even prison or abject poverty.

"I have my doubts about all this talk of fiscal prudence and lean times when we have approximately 140 fat special funds with millions of unencumbered dollars and -- on top of that -- billion dollar accounts in a couple of local banks. Mr. Speaker, our problem is not so much low revenues as it is poor spending habits -- and not providing for the rainy day we knew eventually would come. Why have we committed so much money to these special funds of questionable priority when we speak of education as this government's foremost priority?

"Financial commitment and special funds -- well, they lead me to the Executive Branch. While requiring the Governor to give public notice before cutting educational funds is a good start, the people have told us they want more -- much, much more -- like public hearings or limiting executive power to restrict funds. I ask, to whom do we ultimately owe our allegiance? Fiscally speaking, Hawaii's children are our bottom line.

"Mr. Speaker, when we take no real risk, all we can ever expect to see is little reward. I am referring now to lump sum budgeting -- another missed opportunity! While I am pleased to see our schools receive special funding for limited repair and maintenance -- funding that each individual school will control -- it is sorely disappointing that we will again be studying lump sum budgeting rather than implementing it. I was hopeful when Senator Mike McCartney incorporated a pilot project on modified lump sum budgeting into his omnibus governance bill, House Bill 2123, HD 1, SD 1. It would have been simply that, a test -- and a positive start! What we will pass instead is another plan for the Department of Education to develop!

"I say that it's time for a basic change in attitudes. We must trust our schools' administrators, faculty, students and parents enough to give them and the SCBM councils the opportunity to plan their own destinies. If they make mistakes, and most likely they will, so be it! So do we! But it's a start and it's action -- positive and thoughtful action! There is nothing wrong with stumbling, picking yourself up, dusting off, and trying again. After all, to quote my father, 'You can reach for the star, you may not get one, but you won't come up with a handful of mud either.'

"And finally, Mr. Speaker, we have again missed the opportunity to structurally put into place an accountability mechanism to evaluate our schools and the system.

"Why do we continue to study the concept of an annual comprehensive report on public education when we should have mandated one? I have no problem working with the commission on performance standards, but let's get moving on it -- not continue to procrastinate!

"Republicans introduced the concept of a Hawaii report card and the House Education Committee agreed to this when the concept was redrafted as a resolution and passed out. This House also unanimously approved this measure!

"Let's take education reform seriously -- our window of opportunity will decrease proportionally as the frustration of our constituency increases.

"Will we simply be telling our children, and even their children. . . sorry, we missed another opportunity -- again?!

"Thank you, Mr. Speaker."

Representative Tam then rose and stated:

"Mr. Speaker, I rise to speak in full support of Senate Bill 2253, SD 2, HD 2, CD 1, which empowers schools by giving them new autonomy, as well as flexibility, to improve teaching and learning at the school site.

"Before I proceed, let me make a general statement. The overall message, in terms of school reform, is everyone has to work together; otherwise, improvements for our students in educational quality will not occur.

"This bill is a part of the overall package for educational reform. House Bill 2123 which we passed earlier is the door opener because the hang up of reform was the control of the purse. But more than that, it brings us in line with the theme of the Year of the Family. Through our education system, this bill helps individuals reach out for and realize their full potential. The bill also spurs actions to set new heights in the quality of life for Hawaii and all its citizens.

"Among the objectives that the bill hopes to achieve are:

- (1) Have principals, teachers, parents and others consult each other to set priorities in building repairs and maintenance of our school system;
- (2) Require the Governor to create incentives for the private sector to contribute to Hawaii's educational system;
- (3) Permit local school/community-based management councils to become involved in the selection of school personnel. I also want to add that although there are some schools that do not have school/community-based management councils, they do have school advisory councils which will enable them to work together;
- (4) Strongly encourage reform and innovation in collective bargaining;
- (5) Extend the term of the commission on performance standards and require the commission to establish standards that are tied to individual school results. I have full confidence that the commission on standards will work publicly for everyone's benefit by involving them;
- (6) Conduct an inventory of all 'add on' programs that currently compete with ongoing basic programs;
- (7) Endorse Project Ke Au Hou, and start a program to assign business managers to secondary schools, which is long overdue; and
- (8) Have the Department of Education evaluate progress on implementation of the recommendations of the Task Force on Educational Governance.

"This bill sets a vision, priorities, and means of reforming our educational system by endorsing working relationships of all. It sets the foundation for a new Hawaii now.

"In closing, my personal note. . .that of evaluation. All this will happen but not if we have an appointed

Superintendent whereby the Governor will manage with an iron fist.

"Thank you."

Representative Stegmaier then rose and stated:

"I asked for a recess recently so that I wouldn't have to speak again so soon at such length, but I will try to limit my comments to the salient points, primarily in response to the questions raised about how far we've come in the reform effort by a previous speaker. It sometimes takes an outsider, looking in, to make the insiders realize something very basic about themselves, and I think that's what's happened with this latest report from the Education Commission of the States.

"According to them, we are way ahead of just about every other state in the education reform movement. They talk about the fact that the SCBM and Ke Au Hou are basic to the structure, and they acknowledge the leadership that was taken by the Legislature back in 1985 with the establishment of the parent/community networking coordinators program.

"I want to remind the members that we are in a new era and Ke Au Hou is exactly what the translation of that is. We are in a new era and sometimes we're not even aware of it. But we have 85 schools that have now sent in their letters of intent that they are going to be going into site-based management. Twelve additional schools are now into full-fledged SCBM approaches and we have sturdy examples like Maili School and Waialae School to show how successful this new approach can be.

"I wanted to bring up a point that the commission talks about and that is that they find it remarkable that in Hawaii, we've reached a consensus among all the parties involved -- the stakeholders so called -- that we need to take action and we need to all sacrifice in the process of bringing school reform about.

"Instead of going into the details of the bill, perhaps what I could do is quote from the commission that this remarkable degree of consensus and what they call a convergence of opinion 'presents an opportunity for progress not often seen and less often seized in the politics of education reform.' What they see in Hawaii right now is not that we haven't started on a new era but that there's a certain amount of fragmentation within it and confusion among those who are going to be participating. They advocate that a plan be put together. . .what they call a conceptual map of policies, practices and approaches to school reform. And I believe that that's where we come in as representatives of the community, and I would challenge, not only ourselves, but others who have an influence over public opinion such as the media and editorial writers, to declare that this new era has begun and that we've reached a milestone in our history and begin to explain how the many changes all fit together and how each person in our society can play an important role. I believe that we can do this, Mr. Speaker, by daily discussing education reform and what the commission called 'miracles,' the little miracles that are happening everyday, all over our State in our schools.

"I want to mention to you an experience that I had this past Saturday where I went to hear my son play in what was called the Parade of Advanced Intermediate School Bands at McKinley High School. The performance was wonderful. . .was beautiful. . .and it brought tears to my eyes, especially realizing that this group of students was performing with such enthusiasm and excellence, in spite of the negative commentary and aspersions that are constantly cast on our public school system. Niu Valley Intermediate did a wonderful job and apparently

Highlands Intermediate did an even better job, the feeder school to Pearl City, but there was nothing reported about this event in the media, and there were actually very few, including family members, who were there on that Saturday morning in the audience. And there was no acknowledgement of the professors who came from the University School of Music to give of their time and efforts to instruct these bands and their bandleaders.

"I believe that we, as representatives from the communities of our State and the news media and the businesses, small and large, have an obligation in this new era to carry the banner of reform, to do everything we can to encourage and reassure all of those who are confused about the changes that are taking place, that they will find a place and they have a role to play in the school system of our State. Let's begin to own this new system, no matter what people might say about an appointed, or an elected school board, or an appointed and elected Superintendent. As the Vice Speaker was saying earlier, these issues pale in comparison with the numerous miracles that are happening in our individual schools everyday which we can enhance and encourage. Let's seize the opportunity to show what it is that we have created. Let's start to lead and have the impact that we know we can in this new era of school reform.

"Thank you very much."

Representative Ward then rose and stated:

"Mr. Speaker, reasonable people will differ in the marketplace of ideas even when they are from the same community like Representative Stegmaier representing Hawaii Kai. I, too, am in favor but I may have a few more reservations than the representative.

"Where there's a will, there's an 'A', and where there's no will, there's a weak bill and, Mr. Speaker, I believe that's what we got here. We've got something that we haven't gone as far as we can. We haven't gone with what we know we can do. We can't just tell the public schools to do a better job. We've got to give them the tools, we've got to have the political will with which to do that.

"My point is, Mr. Speaker, I think we can do more and I think we can do better. This is a beginning so it's okay, but I think we, when we are shoulder to shoulder with the mainland, score to score, that's when we can say, we are the key reformer of the United States. Right now, I don't think we can claim that.

"Thank you."

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

"I would like to echo what the previous speakers have said, especially that we can do more. What I would like to say is that educational excellence is a universal goal and each one of us has an answer or solution. But there is not, and never will be, only one single answer or solution.

"Indeed, the search for educational excellence began, not this year nor last year, but many years ago. In 1989, the Legislature took the lead from the 1988 Berman Report and demonstrated its commitment to excellence in education. Here is what we did:

- (1) We established a special fund totalling \$630-million over seven years for the construction of school facilities, one of the key recommendations in the 1988 Berman Report.

- (2) We placed repair and maintenance on a systematic basis.

- (3) We started a school inspection program.

- (4) We voted a \$51-million pay raise for our teachers.

- (5) We reduced class size in kindergarten, first and second grades.

"We put our money where our mouth was. The special school fund meant that, despite the lack of revenues this year, we can still start construction of the new Mililani Mauka Elementary School because we began saving our taxes three years ago and put the money in a safe place until we could use it.

"Again, in 1989, we enacted legislation for School/Community-Based Management (SCBM) to decentralize school decision-making and thus encourage more flexibility and accountability. The first SCBM schools were Waialae and Maili Elementary Schools, and their innovations were striking. Other SCBM schools are now searching for their own paths toward educational excellence.

"One measure to improve the learning process is the pilot project for year-round schooling at Waihee, Maui. Other innovations are the tourism academies at Farrington and Waipahu, and the science academy at Mililani High School.

"The Department of Education itself started its own Ke Au Hou program to decentralize itself and enable its personnel to work directly with individual schools.

"Last year, the Legislature established the Task Force on Educational Governance. It held lengthy hearings throughout the State and made a very thorough and thoughtful report.

"There is no lack of ideas or even will; there is only a lack of resources.

"The Legislature has been receptive to suggestions and recommendations, irrespective of their origins, but we cannot act on everything in one session, regular or special, nor can we say that everything that is suggested is good and should be enacted.

"This year we are concentrating on reforming how our schools are governed. That is in House Bill 2123. Before us is Senate Bill 2253 with further educational reforms, drawing on the Task Force's work.

"Next year we should look at other changes for improvement. We need to continue working every year and find the resources. Eventually, we must face up to the need for preschool, a key Berman recommendation. There are lots more work to be done and we should not fault anyone for not doing everything all at once.

"Indeed, I would again echo what the **Honolulu Star Bulletin** said last week before anyone has seen the final products, that the chances of extraordinary educational reforms are emerging from this late-blooming session.

"Thank you, Mr. Speaker."

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

"I had an interesting experience recently where I saw a movie called, **Mind Walk**, which was a philosophical discussion between a scientist, a politician, a poet and

what not, and immediately after that we had one of our policy meetings with the Superintendent who had also seen this movie, and the thing that struck both of us was that the light of the mind truly is at the very core of what we want to excite in every student. And wouldn't it be marvelous if every student, not necessarily would see and enjoy that movie, but would have the capability of seeing it, understanding it, be tickled by it, be made curious by it, be able to respond to it, and that is one of the goals, I think, that this bill turns on the road towards is that every person's curiosity and love of learning, and curiosity about the world, about our own moral stance in it, what we can do, what we can't do, how we play, and dance this interesting game of life together -- that kind of curiosity and energy is something that I think we all want to instill in every child.

"I think that this bill also represents our own House 'mind walk' because I think we were all in many different places at the beginning of the session when we traveled down the road more or less together and changed our positions and experimented with ideas, and I would like to personally acknowledge all the members of the Education Committee, but especially the members of the Conference Committee, Representative Taniguchi and the rest, who have traveled their own road and their own mind walk in the dialogue with the Senate. I think that the stimulation of the community and the curiosity about education is also parallel to what we are talking about.

"I am very optimistic with this bill, and I hope that we can continue to focus on that spark of creative intellectual energy that we want to cultivate in every child. We will succeed.

"Thank you."

Representative Bunda then rose and stated:

"Mr. Speaker, I rise in favor of the bill. I have some prepared remarks to be inserted in the Journal, but briefly, I would like to thank Speaker Kihano for having me participate as a member of the Task Force on Governance. The final report of the Task Force is a product of hundreds of hours of work on the part of members and staff but more importantly, Mr. Speaker, it's a product of hundreds of hours of comments and testimonies received from the public. Mr. Speaker, I've got to tell you that all of those hearings were a grind and all of the hearings went beyond midnight.

"The recommendations represent the collaboration and participation of all sectors of the community to improve our public schools but, Mr. Speaker, the issue of governance does not end today as Representative Lee has said. We need to follow through with many of the recommendations stated in the bill and that we need to follow-up to ensure that the Department of Education implement those applicable Task Force recommendations. Let's not have this fall through the cracks before the next legislative session. Through various policies of decentralization, we have attempted to clear up lines of accountability and responsibility this year. However, down the line, we really need to look at having disciplines from other departments and the agencies such as the Department of Health and the Department of Human Services, HPD, and other service agencies who have direct influences over students' behavior and bring them closer to the schools for increased interaction with teachers and counselors. Presently, they are not crossing paths. Mr. Speaker, every student -- every student -- is at risk, either academically or emotionally.

"Further, Mr. Speaker, in light of tremendous teacher shortage, we need to look intensively at a budgetary process which gives flexibility at the school, with heavy

emphasis on teacher training and teacher retraining. Hopefully, the plan mandated in House Bill 2123 will reflect this in its recommendations.

"Finally, Mr. Speaker, we need to continually reach out to find out how we can get parents involved with their kids. We need no more excuses, no more rhetoric -- just let us do the job. There are creative ways to do it and, hopefully, this bill is a start and it takes us a step forward in our commitment to educational excellence.

"Thank you, Mr. Speaker."

Representative Bunda's prepared remarks are hereby inserted:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2253.

"As a member of the Task Force on Educational Governance, I am gratified by the efforts of the 1992 Legislature to address the concerns raised by the Task Force and others regarding education reform.

"Mr. Speaker, in all honesty, when you appointed me to represent the House on the Task Force, I thought at first: What did I do to incur your wrath? But having spent eight hard-working months with the other members of the Task Force and listening to the educational concerns of the people from throughout the State, I owe you my thanks.

"Those eight months have been one of the most instructive periods in my legislative career. The people spoke and we listened. Through public forums, briefings, and informational meetings, all of us on the Task Force heard the dissatisfaction and the concerns. . .the demands and the pleas. . .the good and the bad. And what the Task Force heard was also echoed by many students, parents, teachers, and principals that I talked with personally whenever the opportunity arose during my other legislative and community duties.

"It's clear that there is no other issue that has sparked more discussion, more ideas, more debate, and more innovative solutions than education. We faced several hard-hitting and difficult decisions regarding public education. The Task Force worked hard to form recommendations to address the fundamental needs of our schools, while supporting the momentum of educational change and innovation taking place within the community.

"It is gratifying that the Legislature reviewed and seriously considered the Task Force's report and recommendations, as evidenced by the bill before us today, and other legislative measures on education, including the one on the structure of the Board of Education.

"Granted, not all the recommendations were acted upon, but the bill before us takes a forward step on our road to educational excellence through continued dialogue and collaborative efforts by all of us to address the needs of the students.

"The results can be found in the Task Force's final report, containing fifteen recommendations. The report is the product of hundreds of hours of work on the part of the members and staff. . .but more importantly, it is the product of hundreds of hours of comments and testimonies received from the public. The recommendations represent the collaboration and participation of all sectors of the community to improve our public schools.

"I urge all my colleagues to vote aye on this bill.

"Thank you, Mr. Speaker, for appointing me to be a member of the Task Force on Educational Governance."

Representative Young then rose and stated:

"I'm really excited by the words of my colleagues here -- ranging from all the way of not enough in this bill to yes, this is a great beginning -- and I reflect also and would like to remark on Representative Stegmaier's words that this is the beginning of a new era. And I also mentioned to Representative Shon that I, too, saw the movie *Mind Walk*, and I thought to mention that in the Journal is really... really saying that this is the beginning of a new era. They were talking about paradigms in the movie, they were talking about new ways of looking at things, and this is a new way of looking at the public school system. The fact that we have Project Ke Au Hou which is looking at the top/down dismantling of the structure of the Office of Instructional Services and also of the Education Branch is radical. When you talk about moving the people... I was in the Department of Education that was in that top structure... into the school system closer to where the students are -- that is radical.

"There was a late evening discussion that Senator McCartney and Representative Susan Chun and I had, when we were at a public hearing on another island, and we said we felt that this was not only a school reform, but this is the beginning of a true revolution. Some people fear that word 'revolution,' but when you think about it, it really means breaking away from the old and movement towards the dream of a better society. I think we all dream that very soon we'll have a terrific public school system.

"Thank you."

Representative Yonamine then rose and acknowledged the 'hard work done by Representative Bunda, the Conference Committee, and the Task Force, and for this House for supporting this reform bill,' 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 Yonamine's remarks are as follows:

"Mr. Speaker, 1992 will be remembered as the year in which educational reform began. By passing Senate Bill 2253, and the other educational measures, this body has committed and compelled itself to do something about public education. I am proud to be part of the body that has crafted this reform legislation and am convinced that the action we have taken will be felt for a long time.

"The operative word above is begun. We are putting in place an action plan that, over the next months and years, will have to be monitored and fine tuned. Like the students who are, of course, the focus and reason for being of this reform -- growing youngsters whose needs change over time -- the process we have started will grow as it is implemented and will require changes. Future funding needs will become clear. Not only what is needed, but how programs and policies are best implemented, and who should be involved will be clarified.

"The goal of our reform can be stated simply: to educate each individual child to the full potential of her or his gifts and capabilities. We do that because of the belief that the connection between individual fulfillment and the achievement of a just, prosperous, and dynamic society is deep and, though complex, very powerful. The passage of this bill contributes directly to this goal.

"Thank you."

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

"Mr. Speaker, I'd like to acknowledge the hard work of a lot of people involved in this. I think the bill represents the first start and I think we're going to follow through as much as possible the recommendations set forth in the bill.

"I would probably say that I'm disappointed in some of the remarks by the Minority Leader, as well as Representative Ward, but I think the work speaks for itself. I just want to say that we're still on the road, as Representative Shon mentioned.

"Again, thank you to all the people who participated and that this is the first step to educational reform.

"Thank you."

Representative Anderson then rose and stated:

"I didn't have anything to say but if I could, because I didn't speak on this particular measure at this time but I did the last time, could I have those words re-entered in the Journal again rather than go through the whole thing?"

"The Chair "so ordered."

Representative Anderson's remarks are as follows:

"I really should, I wanted to speak against it, but education when we run, everyone of us here put down in our brochure -- education is first and foremost -- everyone of us. And the Task Force? I'm embarrassed that we had to go and get a task force.

"I listened to Representative Shon saying that we have to go slowly and everything is there and that in eight years, he's never seen so much input. Well, in fourteen years, ladies and gentlemen, I'm embarrassed that we've sat here and almost everything that the Task Force came up with, we've had bills for it, we've had resolutions for it, we've sat on. We haven't done a bloody thing that is not in there. For two years, I've sat on the Kaelepulu School school based management and when we went in to get our permit or to be qualified for school based management and it's in the law, they said we're not ready yet to take this under consideration. We have to look at it and study it. We study everything to death. Instead of saying, let's go ahead and move forward -- if it's wrong, we'll correct it. No, we study. Lump sum budgeting, two on one, whatever -- we have done more damage than good and we sit here and say how wonderful it is that we now have a bill and we're going to study some more, and we're going to look at, and that a task force takes over our job and does what we're supposed to have done years ago.

"When I went to a public education system, we had a two tier. We had English standard and non-English standard. And all of a sudden, when the Majority Party took over, we're going to have public education where everybody was the same so we did away with English standard and went down to the other way, and they said that was betterment. Now we're saying we need all of these people to have a better educational system that is going to need improvement and everything else. We have not done well for education! We do not back up our teachers. We do not have even the principals backing up our teachers, and now we're saying that this is going to help.

"I got involved a few years ago, if you remember, because a teacher was stricken and I didn't even know it was in Kailua. It happened to be another Senator who put in a bill and it died. But the teacher was hit was a student because he accidentally stepped on his slipper. And all of a sudden the principal said, we're going to have to have the student expelled for a while, and then they changed their mind because the parents came in and said, you can't do that to my child. So the teacher was out.

"Ladies and gentlemen, we have to go ahead and start saying -- we can do this for education, we have to back up our teachers, we're going to have school based management. But don't sit here and say how wonderful it is when we're not doing our job.

"Thank you."

Representative Stegmaier then rose and stated:

"For the record, I did want to just acknowledge one person who hasn't been acknowledged and named yet who played an important role in the process, and that's Representative David Ige. Thanks to him -- his hard work -- we managed to move along, and I have to acknowledge the Majority Leader for delegating responsibility to Representative D. Ige at a critical time to move us along.

"I wanted to respond to the Minority Floor Leader's comments about lump-sum budgeting with just a mention of how complicated this is, and how important it is that we not rush into lump-sum budgeting, even perhaps on a pilot basis. I'm quoting from a discussion of legislative issues, just to let the members know what lump-sum budgeting would involve for a school administrator. 'The school administrators must know how to allocate funds, keep reserves for contingencies, move moneys around using the automated budget system, and know how to fill out and use all the forms that must be prepared and processed for creating and filling positions, processing contracts, writing bid specs, et cetera. Computer programs must be written for budget and expenditure reports. In all, there is much work that must be done before lump-sum budgeting can be realized.'

"And with those comments that come from the business manager for the Department of Education, I think it's important to realize that we need to be cautious about how this is implemented, but we're on our way to doing that as well.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2253, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 79 and S.B. No. 3432, SD 1, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 3432, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"We have heard a lot of discussion on the previous measure and people were saying -- it is fine because we're decentralizing, it's radical change, it's a new beginning, we're on the road to change -- but unfortunately, Senate

Bill 3432 is a U-turn backward. What the bill does is allow the Department of Education to accept donations of school equipment or fixtures, but where is the ability for the schools themselves to take over that authority and make those decisions at a local level? If we are truly implementing SCBM, then we would allow the individual schools, in conjunction with the principal, faculty, parents, students, to make decisions to accept donations of school equipment or fixtures. What we have to stop doing is keeping the power at the central Department of Education and letting that power come down to the local schools themselves.

"So while the former speeches were excellent, I see it's ironic that the very next bill turns around and gives the power to the top echelon only.

"Thank you, Mr. Speaker."

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

"In reference to the previous speaker's remarks, if I may clarify the interpretation of the bill, the Department of Education is meant in terms of overall in regards to down at the school level -- not specifically to that of middle management or upper management.

"Thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, if I may just clarify the language. Unfortunately, the language that is going into law, if the Governor signs this bill, is that the Department of Education shall have the authority to accept donations of school equipment or fixtures on behalf of the Department of Education, individual schools, or school complexes.

"So it's the Department of Education again that has the control. I wish that we, when we enact laws, had given more credit to the abilities of the local principals of the schools to realize when a donation is something that will benefit the school and that those principals, along with the faculty, students and parents, would be able to make sure that the donation would be in working condition and would really assist the school in teaching youngsters.

"I'm sorry to see that we did not give them the authority rather than leaving it at the top.

"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. 3432, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2454, 2678, 3109, 1526, 2228, 2231, 3145, 2253 and 3432 had passed Final Reading at 2:49 o'clock p.m.

At 2:51 o'clock p.m., Representative Amaral asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

Conf. Com. Rep. No. 80 and S.B. No. 3367, 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. 3367, SD 1, HD 2,

CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 81 and S.B. No. 1528, 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. 1528, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 82 and S.B. No. 2432, 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. 2432, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 83 and S.B. No. 1843, SD 2, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 1843, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Metcalf, as Chairman of the House conferees on Senate Bill No. 1843, SD 2, HD 1, CD 1 (Conference Committee Report No. 83), then rose and requested that the following corrections be noted in the Journal, and the Chair "so ordered":

"Paragraph number 7, on pages 3 and 4, should read as follows:

- (7) The limitation on the size of detachable ammunition magazines was amended to 'grandfather' existing magazines with a capacity of less than [twenty] twenty-one cartridges for a period of [one year,] two years, if they are owned by the owners of registered [pistols.] firearms. The penalty provisions, therefore, will apply during that time only to persons who have a detachable magazine of greater than [nineteen] twenty round capacity or who are not the legal [owner] owners of a registered firearm into which the magazine will fit. It should be noted that, in order to have this grandfather effect apply, the owners of [the] carbines and rifles with magazines which are capable of use with a pistol and whose capacity is greater than ten rounds will be required to register their firearm, even if registration is not otherwise required. This grandfather clause will permit owners of [pistols with a magazine capacity] magazines with a capacity [between eleven and nineteen rounds] greater than ten and less than twenty-one rounds which are designed for or capable of use with a pistol to modify, or cause to be modified, their magazines, and will also permit firearms manufacturers and aftermarket suppliers to meet the demand for magazines with a maximum capacity of ten rounds."

"The bill is clear. However, the Committee Report reflected an earlier draft proposal offered in the course of negotiations. I apologize for any confusion.

"Thank you."

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

"Mr. Speaker, this measure is the result of years of deliberation and debate. As chairman of the subject matter committee, it is especially gratifying to me to report to you that this bill essentially reflects the attitude and philosophy of the House regarding the disposition and use of firearms in the State of Hawaii -- to ban the sale of assault weapons that are characterized as the most dangerous to the public. It was the opinion of your House conferees that the most dangerous assault weapons include those firearms that are easily concealed and have excessive ammunition capacity.

"I am very gratified that the Senate has, in its own wisdom, adopted this philosophical approach, and I would like to personally thank Senate President Richard Wong for his persevering and unwavering commitment to this issue. I would also like to commend Senator Russell Blair for his efforts to reach a compromise on this measure and to work towards legislation agreeable to both chambers. And I would like to thank also my Vice Chair who, as a former policewoman, made sure that this issue remained high on the agenda of the House Judiciary Committee.

"Mr. Speaker, thank you for the opportunity to speak in favor of Senate Bill 1843, and I urge all my colleagues to support this measure."

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

"It isn't often that I get to speak in favor of a measure that has been shepherded by the Judiciary Chairman and so I feel compelled to rise at this time, and I don't mean the laughter in jest -- I mean it in all sincerity.

"I would like to thank the Judiciary Chairman and the Vice Chairperson for having the perseverance and seeing this measure through. I know that I have a number of constituents who are both for and against this measure and for those who are against the measure, I would like to say that we are trying to address the issue of assault pistols. We haven't even addressed the issue of assault rifles and we are just dealing with the issue of assault pistols.

"I believe the Conference Committee Report has a definition for assault pistols and one of the six items that make up the definition is that it defines the assault pistol as something that has a magazine capacity in excess of ten rounds. Can you imagine that?

"At any rate, I would once again like to thank the Chairman and Vice Chairman and urge my colleagues to vote for the measure."

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

"Mr. Speaker, guns don't shoot people -- people shoot people. But in 1989, twelve thousand people got shot and that's 56 percent of all those people who were murdered got shot. There were six million violent crimes, and did you know that the chance of being involved in a violent crime is greater than the chance of being involved in a traffic accident? That's how much violence has increased in this country. Our violent crime rate is seven to ten times greater than those of the other major developed economies -- Japan, England, Germany, France, Italy. And as a parenthetical footnote, Mr. Speaker, it's interesting to note that most of those have no weapons or,

like in Canada, when you have your weapon you check it in at the door, at the range, in other places -- only the police have the weapons.

"So what's happened in the United States is the slippery slope of violence has already begun. What about child abuse, spouse abuse, rape, murder, drugs -- what are we doing about these? Well, today is one of those historic moments where we say, we need to send a kinder and gentler message, and that's what the banning of assault pistols is all about. It's a message that will not be an arsenal of these weapons in this State, and it's a message that says the environment has got to be a safer place for a safer people.

"Lastly, Mr. Speaker, may I commend the Judiciary Chair for his poker face and his astute judicious negotiations on behalf of this House and for the landmark legislation that he landed.

"Thank you, Mr. Speaker."

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

Representative Anderson's remarks are as follows:

"I will support this bill, but I do have some reservations which I would like to note.

"First, while this bill imposes controls on pistols, it does not include any controls on assault type rifles that are machine gun-like in being fully automatic.

"Second, as a general principle, I dislike imposing laws that take away any individual rights. All too often those who ask for certain limitations of rights with all good intentions eventually come back to ask for further rights to be taken away."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1843, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting no.

At 3:09 o'clock p.m., Representative Amaral asked for a recess to present a gift to Representative Metcalf from Senator Blair, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:10 o'clock p.m.

Conf. Com. Rep. No. 84 and S.B. No. 2296, 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. 2296, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ADVERTISING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 85 and S.B. No. 1293, 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. 1293, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been

read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 86 and S.B. No. 2824, 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. 2824, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FOR NEW VEHICLES AND OFFICIAL VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 87 and S.B. No. 2918, 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. 2918, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL VEHICLE SURCHARGE TAX," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 88 and S.B. No. 2714, 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. 2714, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3367, 1528, 2432, 1843, 2296, 1293, 2824, 2918 and 2714 had passed Final Reading at 3:11 o'clock p.m.

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 3:15 o'clock p.m.

Conf. Com. Rep. No. 89 and S.C.R. No. 70, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.C.R. No. 70, SD 1, HD 1, CD 1, be adopted, seconded by Representative O'Kieffe.

Representative Oshiro requested that his remarks, in support of S.C.R. No. 70, SD 1, HD 1, CD 1, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Oshiro's remarks are as follows:

"This concurrent resolution will provide legislative authorization to the Board of Land and Natural Resources to lease or grant an easement over submerged lands to Haseko for the development of a marina. This marina will serve as the centerpiece of the Ewa Marina Community Development Project, which presently includes 4,850 homes, a maritime commercial center, a golf course, and 950 visitor accommodation units.

"In recognition of the need for additional recreational facilities and social programs in the Ewa Beach area, the Ewa Marine Community Development Project is very much needed. Equally important, however, is the need to ensure that the various components of the project are compatible with the neighboring residential community and surrounding area.

"The one portion of this development that causes me great concern is the inclusion of the 950 visitor accommodation units to support the marina. It is my belief that visitor related activities at the Ewa Marina will be disruptive to the character of the neighboring residential community and in relation to ocean and shoreline uses.

"A few of the potential negative impacts include:

- (1) An infusion of tourist related water activities such as day and evening boat cruises, dive and snorkeling tours, day sailing, kayaking, outrigger canoe rides, and fishing charters;
- (2) Resident/visitor conflicts concerning use of the adjacent Oneula Beach Park and other shoreline areas for swimming, surfing, fishing, and other shoreline activities. This conflict is envisioned to especially be prevalent for our young adults, who will find that they will have to compete with visitors for use of their recreation areas;
- (3) The commercialization of restaurants and stores towards visitors rather than residents;
- (4) An influx of rental cars and tour buses; and
- (5) An increase in crime. In particular, visitor related property crimes, robbery, and assaults.

"While I do recognize the importance of tourism to Hawaii's economy, I strongly feel that such an industry must be situated where compatibility exists with surrounding areas.

"Ewa Beach has always been a residential community. I truly believe that Ewa Beach should remain a residential community.

"Similar to how the 1988 Legislature incorporated various provisos in authorizing the leasing of the Keehi Lagoon submerged lands, I am very much aware that it would be within the purview of this body to similarly include a prohibition on visitor accommodation units as a condition of our approval to the leasing of these submerged lands. After much consideration, however, and in recognition of the home rule authority bestowed upon the counties for such land use and zoning approvals, I am very comfortable with, and totally support the present draft of this measure. I am confident that in the end, when this project becomes a reality, that the Ewa Marina Community will emerge as one that will be compatible with, compliment, and enhance the neighboring residential community of Ewa Beach."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 70, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO GRANT AN EASEMENT OR TO LEASE CERTAIN SUBMERGED LANDS AT EWA TO HASEKO," was finally adopted, with Representative Hagino voting no.

Conf. Com. Rep. No. 90 and S.B. No. 3247, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 91 and S.B. No. 2770, SD 1, HD 1, 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. 2770, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 92 and S.B. No. 2758, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 93 and S.B. No. 2258, SD 1, HD 1, 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. 2258, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 94 and S.B. No. 2288, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 95 and S.B. No. 2894, 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. 2894, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative D. Ige voting no.

Conf. Com. Rep. No. 96 and S.B. No. 3371, 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. 3371, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER TREATMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2770, 2258, 2894 and 3371 had passed Final Reading at 3:16 o'clock p.m.

Conf. Com. Rep. No. 97 and S.B. No. 2964, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 98 and S.B. No. 3004, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 99 and S.B. No. 3398, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 100 and S.B. No. 1419, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 101 and H.B. No. 3960, 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. 3960, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 103 and H.B. No. 2613, 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. 2613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FORCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 104 and H.B. No. 3164, 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. 3164, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 105 and H.B. No. 3277, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3277, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"This is the insurance premium tax bill. I seem to introduce a lot of bills that take a long time to pass. This is one that's been in the making for, I think, four years now. It's been vetoed once by the Governor. As some of you may know, we have a differential tax that we impose on domestic and foreign insurance companies and that differential has led to a lawsuit and a rather substantial sum in a disputed escrow account. We have over \$120-million in this escrow account.

"With the passage of this measure, it is hoped that it will pave the way for a resolution of the lawsuit and a substantial portion of the \$120-million to go into the General Fund to pay for needed social and other programs.

"I urge my members to support this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 106 and H.B. No. 1509, 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. 1509, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL IMPROVEMENTS AND SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3960, 2613, 3164, 3277 and 1509 had passed Final Reading at 3:19 o'clock p.m.

Conf. Com. Rep. No. 107 and H.B. No. 2313, 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. 2313, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 108 and H.B. No. 2366, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 109 and H.B. No. 3030, HD 1, SD 1, CD 2:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 3030, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 110 and H.B. No. 3342, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3342, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, with all the publicity we've been receiving in the last few months about the degradation of our offshore waters, I think this bill goes a long way to remedying that situation. Many experts who I have spoken to, including those housewives who are also very, very much well informed as to what is contributing to the degradation of our offshore waters, are very supportive of the fact that nonpoint source pollution has for years now been overlooked and this bill will be directing the Department of Health and giving them the enforcement powers to substantially mitigate and control nonpoint source pollution and begin cleaning up and maintaining the pristine beaches and the shorelines that we have. I think it's a very good 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. 3342, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 111 and H.B. No. 2719, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2719, 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, as one of the representatives from Hawaii Kai, I would be amiss not to speak and mention that this bill is modeled after the homeless program that was on the cutting edge of the homeless program in Hawaii Kai. And, Mr. Speaker, what is interesting and best about it is that it integrates the homeless into the community. The people will live in normal houses. They won't be labeled or stigmatized as they walk home, and people won't see where they are and what they're going to do, nor will they be resented what the \$32,000 and some of their houses may have cost if it was an overrun of a \$12,000 one.

"Thank you, Mr. Speaker."

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

Representative Cachola's remarks are as follows:

"I rise to speak in favor of House Bill 2719, HD 2, SD 1, CD 1.

"This bill would make the 'Year of the Family' more meaningful by helping homeless families find shelter in private dwellings.

"In this purely voluntary program, private property owners' participation would be encouraged by a construction grant, a monthly rent supplement, and property tax reductions or waivers and building standards exemptions, if approved by the counties.

"The project would be limited to five sites per census tract to avoid saturation of communities. The State would implement the project on Oahu initially and expand it to the neighbor islands after the successful pilot period.

"This program may place as many as 980 homeless families with rental housing on Oahu, or 2,450 people at 2.5 members per family and could potentially house most, if not all, of the working homeless on Oahu.

"The project includes a screening process that would separate homeless families from special needs homeless that require drug or psychological rehabilitation.

The State homeless coordinator established by this bill would work with the counties to provide incentives, explore federal funding options, and secure funding, in-kind, and administrative assistance from law enforcement agencies, other government bodies, and the private sector.

"This would cost considerably less than building shelters or villages.

"I would also like to express my sincere thanks to the Chairman and members of the Finance Committee for providing funds for this program. This only received about one-fourth of the funding requested, but much more than I had any right to expect, given our current fiscal constraints.

"I urge my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2719, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO HOMELESS PROGRAMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 112 and H.B. No. 3982, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 113 and H.B. No. 2959, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 114 and H.B. No. 3944, 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. 3944, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 115 and H.B. No. 3084, 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. 3084, HD 2, SD 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 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2313, 3030, 3342, 2719, 3944 and 3084 had passed Final Reading at 3:22 o'clock p.m.

Conf. Com. Rep. No. 116 and H.B. No. 2319, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2319, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative O'Kieffe rose and requested a conflict ruling, saying that he is co-owner of a company that deals with solar water heaters and other energy saving devices, and the Chair ruled "no conflict."

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

"The comments that I made in opposition to House Bill 2319 during the first crossover still applies. What has happened in the latest Conference draft is that the requirements were made more stringent. Instead of twenty percent in 1993, the requirement is raised to thirty percent for the installation of solar water heating equipment. In 1994, from thirty to forty percent, and in 1995, from forty to fifty percent. In other words, the bill will help sell ten percent more solar heaters in those years.

"Another requirement is to apply the mandate on homeowners to buy solar heaters to private non-profit corporations as well. In addition, the Department of Business, Economic Development and Tourism will adopt rules pertaining to alternate water heating systems that shall be installed in the remaining units.

"It is very perplexing that only one type is mandated and the others are not. It is also perplexing that DBED is

required to submit to the 1996 session an evaluation of the overall life-cycle cost and energy efficiency of the heating equipment. That requirement is sort of redundant because studies are now available on comparative costs.

"It is a very interesting commentary on our times that very laudatory and very noble ideals are used to mandate the sale of one specific kind of equipment. That's my objection, and if I were to be in a position to advocate or recommend anything, I would suggest that we do explain, publicize to all the people involved, the advantages of saving energy. Give them the cost, what can be saved, and also provide the tax credits which we have already done so, and let the individual consumer decide which of the various different energy saving devices would be best for him in his own circumstances. I think we should have choice. We should not have such a mandate, and I will just let you vote your conscience on what you believe should be done to save energy but at the same time to permit each person to make the choice freely of his own will.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"Mr. Speaker, I rise to speak in strong support of the bill, and I also would like to speak in support of gender fairness. I assume it's not just men that we're referring to but it would be making decisions in his or her best interest. I think that the solar water heating bill is in her and his best interest statewide.

"Thank you."

Representative Kanoho then rose and stated:

"I wish to speak in opposition to this bill for the same reasons expressed by Representative Lee, but additionally, if what has been statutorily mandated can be administratively imposed, and I believe that commercial gas used for cooking and for hot water heating is a by-product that would not be used, at least not efficiently or effectively otherwise, and probably needs to be transported at substantial expense back to the mainland.

"Thank you."

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

"I think this is a good bill because of the fact that we have a lot of sunshine. From one side of our mouth, we say we have to get rid of fossil fuels and not be dependent upon it, and then from the other side of our mouth, when we try to use something that is almost free to us, especially here in the State of Hawaii, we say something else. We can't satisfy everybody, Mr. Speaker, but this is a beginning."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2319, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION OF ENERGY," having been read throughout, passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Baker, Bellinger, Bunda, Chang, Hashimoto, Horita, Kanoho, Lee, Okamura, Peters, Thompson, Tom and Yonamine voting no.

Conf. Com. Rep. No. 117 and H.B. No. 3119, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 119 and H.B. No. 2871, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2871, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Arakaki rose and stated:

"I just want to express my hope that this measure will result in the prevention of needless grief and tragedy by making owners of firearms aware about the need to safely store their firearms and keep them out of the hands of children.

"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. 2871, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2319 and 2871 had passed Final Reading at 3:31 o'clock p.m.

At 3:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:32 o'clock p.m.

At 3:36 o'clock p.m., the House of Representatives stood in recess until 8:00 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:46 o'clock p.m., at which time the Speaker resumed the rostrum.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 120 and H.B. No. 2911, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 121 and H.B. No. 3076, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 122 and H.B. No. 3854, HD 1, SD 1, CD 2:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3854, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, I'm rising to speak in support of House Bill 3854 and to specifically extend my thanks, as a freshman member of the House Women's Caucus, to the representative who has led us in all of these endeavors. I really extend my sincere thanks to Representative Amaral. . . I think she has done an incredible job working during

the interim, working during the session, and helping the Women's Caucus Package make it through this House of Representatives. I appreciate the work of all of the other women members of the Caucus and our male supporters, and I deeply, deeply appreciate your help, Annelle.

"Thank you."

Representative Metcalf then rose and stated:

"Mr. Speaker, I never thought that I'd be joining my colleague across the aisle in agreeing on any particular measure before this Legislature, but I would ask that Representative Thielen's comments be incorporated in the record as my own.

"Thank you."

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 H.B. No. 3854, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 125 and H.B. No. 2917, 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. 2917, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3854 and 2917 had passed Final Reading at 8:53 o'clock p.m.

At 8:54 o'clock p.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:22 o'clock p.m.

Conf. Com. Rep. No. 126 and H.B. No. 3857, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3857, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"You know, Mr. Speaker, one of the things that you gave the Human Services the opportunity to do during this interim was to visit all of the various centers, whether it dealt with the elderly or youth or handicapped, throughout the State and we got to talk to a lot of people, and met a lot of people, and one of the things that really impressed the Human Services Committee was visiting several of our family centers. Never did I realize that in 1987, when we talked in business about the one-stop shop, myself and Chairman Takamine of Labor, we kept talking one-stop shop, never did I think that one day we would be talking about a one-stop shop concept in the family centers.

"When we visited the Kuhio Park Terrace, the Kona Family Center in the Mall, when we visited the key project in Kahaluu, you know, the impressive thing about this program is like education -- it's grassroots. It starts

from the school, but the family center or human services is grassroots, too -- just like education, it starts from the family. And the impressive thing about this family center concept is that, not only does it appeal to just one type of family, it opens the doors to all families -- rich or poor, all color, races, creed -- all kinds of problems that may be confronted, and each family center is different because it is community based. It deals with the individualized problems of each community. Every community has different problems, so I want to commend Chairman Souki and Vice Chair Say and the Finance and Human Service Committees for its foresight in putting \$860,000 in the budget for the family centers, and my dream and hope is that, with the money that we have provided -- I know this isn't in the budget yet -- but with this bill, coupled with the budget, along with private funds that would be allotted for this, that we can have family centers all over the State -- not just in several of the islands, but in Kauai and Maui, too, because they've got families there too that need help. That's why this is a real first step in human services where it is a one-stop type of shop in human services.

"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. 3857, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CENTERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 127 and H.B. No. 3002, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 128 and H.B. No. 2612, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 129 and H.B. No. 3353, HD 3, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 130 and H.B. No. 3493, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 131 and H.B. No. 3801, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3801, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Members, this was to be the castle that faded into a mirage of redefining of the way in which we manage our community hospitals. In the same way that we have attempted to deal with the governance of our education system, this was part of an effort to reform the governance of our community hospitals. We began with a number of task forces on a county-wide level because the people of the Big Island, and Maui in particular, were already very, very interested, and very much committed

to having a sense of ownership and a sense of authority and autonomy over their health care institutions.

"This bill evolved, went over to the Senate. It came back as a massive single state corporation attached to the Department of Health with eighteen-member committees appointing 24 candidates for governance committees and subcommittees, and a whole variety of things which were obviously overly cumbersome and impossible to accept. I must say that the negotiations over this were very intense. I think our office produced at least ten drafts in response to Senate proposals.

"Last year, this effort collapsed, I would say in the first hearing of the subject matter committee. This year, it went right down to the wire, and I think it is a tribute to all of those on the grassroots level on the neighbor islands that this has gone this far with such an intense involvement. There were meetings upon meetings upon meetings in Senate offices, in the House, in our Conference Committees, drafts going back and forth, people really struggling with the issue of their fears over -- are we taking a step in the wrong direction or are we going too fast? But what this represents, I believe, is a successful effort to engage all the parties. And while the bill before you is a reauthorization of autonomy for two of our hospitals and adding Kona Hospital to this, while that is a meager achievement compared to what we had hoped, still remaining with us is the vision of a county-wide, homegrown community-based health care system which is capable of successfully negotiating with Medicaid, higher reimbursement rates for all the health care in the county under federally qualified health centers because of the involvement of medically underserved populations. And as also part of this vision is one in which all the people of a county can have a single health care card, and the doctor or hospital or nurse does not ask or care if you're Medicaid.

"The reforms that are sweeping the country, in terms of dialogue over health care, are just waiting to be implemented on a county-wide level where we dominate the health care system. It's a tremendous opportunity for Hawaii to be able to set up a community-based system that can provide the ability to be a pilot for administrative and other efficiency reforms that the rest of the nation is only beginning to understand. I believe that it is quite possible, as a result of the negotiations, that the Administration can set up those subcommittees and commissions, even without being in the bill. And by next year, there is a very real possibility that true autonomy for the community hospitals on the neighbor islands can be achieved.

"I would like to thank all of those who were involved with this, all those who represent the neighbor islands who have been involved intensely with their communities on this. The effort is not over simply because this bill does not contain two or three new corporations. The effort is much further down the road, and I am very pleased with as far as we've gotten and with Chairman Souki's support on this as well. So with that, I'd like to urge everyone to support House Bill 3801.

"Thank you."

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

"I would just like to note that at least the people on the Big Island much preferred the House position.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3801,

HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 132 and H.B. No. 2400, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 133 and H.B. No. 3179, 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. 3179, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING SYSTEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3857, 3801 and 3179 had passed Final Reading at 9:31 o'clock p.m.

Conf. Com. Rep. No. 134 and H.B. No. 3658, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 135 and H.B. No. 1817, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 1817, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"This measure caps the liability on oil spills and there will no longer be unlimited liability in the event of a heavy fuel oil spill from a barge, shipping fuel inter-island. It was necessary for the neighbor islands and I understand that but my question, Mr. Speaker, is -- what is the industry giving back to the environment? We are giving a great deal by capping the liability and what is the industry doing for the environment?

"I see that in our expenditures, we are really focusing on a large number of areas but when I look at the environment, I see that individual rights really is given more attention than the environment and again I say, Mr. Speaker, who is speaking out for the trees, the water, the air, and our members here in this body need to realize that that is our legacy that we'll be leaving for the future. So, again, Mr. Speaker, I'm saying -- what is the industry doing for the environment? We are tonight doing something for that industry.

"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. 1817, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative D. Ige voting no.

Conf. Com. Rep. No. 136 and H.B. No. 2320, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 137 and H.B. No. 3062, 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. 3062, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF NATURAL RESOURCES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 138 and H.B. No. 3134, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 139 and H.B. No. 602, 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. 602, 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 51 ayes.

Conf. Com. Rep. No. 140 and H.B. No. 2571, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred until later in the calendar.

The Chair directed the Clerk to note that H.B. Nos. 1817, 3062 and 602 had passed Final Reading at 9:35 o'clock p.m.

At 9:36 o'clock p.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:16 o'clock p.m., the Vice Speaker assumed the rostrum.

Conf. Com. Rep. No. 144 and H.B. No. 3934, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3934, 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 attempts to address a major problem that exists in our society. The problem is that there is a significant disparity between the academic success of certain students from certain ethnic groups and the lack of academic success of other students. This translates into overrepresentation of certain groups in post-secondary educational institutions and underrepresentation by others with resultant disparities in opportunity.

"This bill would allow the Department of Education to establish a Hawaii Young Scholars Program in which teachers at the third grade level would be able to identify students in their classes from underrepresented ethnic groups who, by their interest, declaration and talent, would become young scholars in our schools through a partnership between the students, their teachers, and their parents, or other significant adults in their lives. Students would be nurtured and encouraged at home and at school to be successful academically with reinforcement for up to

four years prior to entering intermediate school, and then for an additional six years through high school graduation. It is intended that these students' self image as scholars will be sufficiently reinforced so that nothing, not even peer pressure or an unexpected deterioration in their family life, will get in the way of their personal agenda to successfully prepare for post-secondary education and training.

"While I recognize that no money accompanies this bill and, therefore, it is simply enabling legislation, I know that I can count on each and every one of my colleagues here to offer your campaign and personal funds to jumpstart the program and your district schools for pilot-testing of the program.

"Mr. Speaker, I am hopeful that the project offers such great promise and addresses such an important need that we will, with the help of the Department of Education, find private sector funds to get the program going and allow it to flourish.

"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. 3934, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3934 had passed Final Reading at 11:20 o'clock p.m.

At 11:21 o'clock p.m., Representative Bellinger asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:26 o'clock p.m.

Conf. Com. Rep. No. 141 and H.B. No. 3787, 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. 3787, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEE AUTHORIZATION," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hagino voting no.

Conf. Com. Rep. No. 142 and H.B. No. 3457, 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. 3457, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF STATE PERSONAL PROPERTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 143 and H.B. No. 3838, HD 2, SD 2, CD 2:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the report of the Committee was adopted and H.B. No. 3838, HD 2, SD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3787, 3457 and 3838 had passed Final Reading at 11:29 o'clock p.m.

At 11:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

/s/ Warren Price, III

Upon reconvening at 11:42 o'clock p.m., the Speaker resumed the rostrum.

WARREN PRICE, III
Attorney General"

GOVERNOR'S MESSAGE

Gov. Msg. No. 90, providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, was read by the Clerk and was placed on file:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

April 29, 1992

The Honorable Daniel J. Kihano
Speaker of the House of Representatives
The Sixteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

"EXECUTIVE ORDER

"WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor'; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 12:00 midnight, April 29, 1992.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 29th day of April, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

UNFINISHED BUSINESS

Conf. Com. Rep. No. 146 on H.B. No. 2454, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the majority of the Committee be adopted and H.B. No. 2454, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Anderson rose and stated:

"Mr. Speaker, I have some amendments to the budget that I would like to pass out to the Clerk, if I may. . . if we can call a recess."

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

The House of Representatives reconvened at 11:55 o'clock p.m.

Representative Anderson rose and stated:

"Mr. Speaker, because I had a motion and I forgot to get my second, I'd like to get my second, please."

The Chair answered:

"Representative Anderson, we'll get back to you as soon as we take care of this matter of the motion that was previously given on the floor."

At this time, Representative Arakaki withdrew his motion to approve Conf. Com. Rep. No. 146 and to pass on Final Reading House Bill 2454, HD 1, SD 1, CD 1, and Representative O'Kieffe withdrew his second.

Conf. Com. Rep. No. 121 and H.B. No. 3076, HD 1, SD 2, CD 1:

Representative Arakaki rose and stated:

"Mr. Speaker, just for point of information for the members, we are required to pass this measure for the current fiscal year as an emergency measure prior to enacting the supplemental budget."

Representative Arakaki then moved that the report of the Committee be adopted and H.B. No. 3076, HD 1, 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 bill appropriates an emergency appropriation of \$15-million to bail out the community hospitals once again.

"Mr. Speaker, during January of 1988, the Legislative Auditor released their audit on the then thirteen County/State hospital systems. This was a scathing indictment based on questionable collection contracts and mismanagement throughout the system starting at the very top. At that time, the Legislature gave the Department of Health ten years to get their collective acts together by reducing their \$10-million annual subsidy by one million dollars per year.

"In the 1992 January Report 92-6 by the Auditor of the State of Hawaii, I would like to quote: 'The State's community hospitals have been continuously plagued with financial problems. These have been particularly serious in recent years. In 1991, the Legislature had to appropriate \$15-million in immediate emergency funds to pay for the hospitals' operating deficiencies. The Legislature also appropriated an additional \$309-million, including \$56-million in general funds to the community hospitals for the 1991-1993 fiscal biennium. By September 1991, however, the community hospitals were projecting another operating deficiency of \$19.2-million for fiscal year 1991-1992. The community hospitals are administered by the Division of Community Hospitals, one of the fourteen divisions of the Department of Health. It consists of a central office located in Honolulu and thirteen medical facilities located primarily on the neighbor islands. Three islands -- Maui, Lanai and Hawaii -- depend entirely on community hospitals for acute care.'

"What bothers me most, Mr. Speaker, is that the neighbor islands and their already higher cost of living than Oahu are getting their pockets picked big time now. The State proposed to raise room rates twenty to forty percent and charge for services such as X-rays and lab tests by one hundred percent. These increases are in addition to a forty percent increase implemented in March 1991 and the sixteen percent increase in September of 1990. If the charges go into effect, the daily cost of hospital care at Hilo will increase by 74 percent, Kona by 72 percent, Maui Memorial by 69 percent, and Kauai Veterans Memorial by 62 percent.

"This is obviously a case of mismanagement. It is making medical costs far out of the reach of the people and for these very reasons, I vote a very strong no on this measure.

"Thank you, Mr. Speaker."

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

Representative Bainum's remarks are as follows:

"Mr. Speaker, it is obvious that the community hospital system once again needs financial assistance and all of us must support these supplemental funds. To do otherwise would be to ignore the needs of the ill and the recommendations of the experts we have hired to administer the hospital system.

"My concern is that while we are supporting the system and while we are studying possible means of privatizing the system, we must make sure that further monies are not wasted in the outdated accounting procedures now being used within the hospitals. The Auditor has identified that millions of dollars in lost revenues have occurred because of accounting inadequacies, and I urge that we must fix the system before further monies are wasted. I have suggested one approach to the solution of this important problem in House Resolution 325."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3076, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR COMMUNITY HOSPITALS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative O'Kieffe voting no.

The Chair directed the Clerk to note that H.B. No. 3076 had passed Final Reading at 11:59 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned.

SIXTY-THIRD DAY

Thursday, April 30, 1992

The House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 12:05 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mr. Renwick Joe Tassill, Director of Tours, House of Representatives, after which the Roll was called showing all members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 91 to 93) were read by the Clerk and were placed on file:

Gov. Msg. No. 91, informing the House that on April 29, 1992, he signed the following bills into law:

House Bill No. 664 as Act 50, entitled: "RELATING TO SALES TO OWNER-OCCUPANTS";

House Bill No. 3096 as Act 51, entitled: "RELATING TO HOUSING";

Senate Bill No. 805 as Act 52, entitled: "RELATING TO THE SALARY OF THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION";

Senate Bill No. 806 as Act 53, entitled: "RELATING TO LOBBYISTS LAW EXEMPTIONS";

Senate Bill No. 1283 as Act 54, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1624 as Act 55, entitled: "RELATING TO MEDICAL TORTS";

Senate Bill No. 2596 as Act 56, entitled: "RELATING TO NONCOMPETITION AGREEMENT";

Senate Bill No. 2670 as Act 57, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 2734 as Act 58, entitled: "RELATING TO KAHANA VALLEY";

Senate Bill No. 2735 as Act 59, entitled: "RELATING TO THE CONSERVATION DISTRICT";

Senate Bill No. 2738 as Act 60, entitled: "RELATING TO KALAWAHINE LANDS";

Senate Bill No. 2752 as Act 61, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 2805 as Act 62, entitled: "RELATING TO ADULT PROTECTIVE SERVICES";

Senate Bill No. 2877 as Act 63, entitled: "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION";

Senate Bill No. 2892 as Act 64, entitled: "RELATING TO CONDITIONAL RELEASE CENTERS";

Senate Bill No. 2893 as Act 65, entitled: "RELATING TO PUBLIC SAFETY";

Senate Bill No. 2963 as Act 66, entitled: "RELATING TO FAMILY COURTS"; and

Senate Bill No. 3080 as Act 67, entitled: "RELATING TO WORKERS' COMPENSATION".

Gov. Msg. No. 92, transmitting his statement of objections to Senate Bill No. 2227 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

April 29, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2227

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. 2227, entitled, 'A Bill for an Act Relating to Elections.'

Senate Bill No. 2227 is an omnibus elections bill, the purpose of which is to increase voter participation and improve the administration of the election process. Some provisions of this bill accomplish this purpose and should be enacted. Unfortunately, however, other provisions severely hamper both the elections process and the jury selection process.

Purging the lists of registered voters after two consecutive election cycles instead of after one cycle as the law currently provides, will result in the retention of a substantial number of people who no longer reside in a precinct or the State and are thus unable to vote. This unnecessarily increases the cost of administering elections.

Disallowing the release of registered voter lists for use in jury selection will severely limit the Judiciary's ability to create a pool of qualified jurors. This limitation on creating a qualified juror pool will make it difficult for the Judiciary to provide a jury of one's peers or a jury containing a representative cross-section of the population.

For the foregoing reasons, I am returning Senate Bill No. 2227 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 93, transmitting his statement of objections to Senate Bill No. 2897 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

April 29, 1992

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. 2897, entitled, 'A Bill for an Act Relating to Precursor Chemicals.'

The purpose of Senate Bill No. 2897 is to combine into one list all regulated precursor chemicals. In addition, the bill authorizes the disclosure of precursor chemical record information to county agencies as well as state and federal agencies.

To combine all regulated precursor chemicals into one list in part VI of chapter 329, Hawaii Revised Statutes, this bill will add to part VI the chemicals listed in part VII of chapter 329, Hawaii Revised Statutes, and repeal part VII. Part VII includes section 329-86(c), which imposes criminal liability for the unlawful distribution of precursor substances used for the manufacture of controlled substances. Since no corresponding provision is added to part VI, this bill will inadvertently decriminalize the presently unlawful distribution of precursor substances used to manufacture controlled substances.

For the foregoing reason, I am returning Senate Bill No. 2897 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 827 to 854) were read by the Clerk and were placed on file:

Sen. Com. No. 827, returning House Concurrent Resolution No. 5, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE REVIEW OF ISSUES RELATED TO THE SPECIAL CARE NEEDS OF ADULT RESIDENTIAL CARE HOME OPERATORS," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 828, returning House Concurrent Resolution No. 65, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPACTS OF UNACCREDITED DEGREE GRANTING AND NON-DEGREE GRANTING INSTITUTIONS ON THE STATE," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 829, returning House Concurrent Resolution No. 207, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONJUNCTION WITH BISHOP MUSEUM, THE COUNTY OF HAWAII, AND HAMAKUA SUGAR COMPANY, INC., TO DEVELOP, ESTABLISH, AND IMPLEMENT MECHANISMS OF CONTROLLING PUBLIC AND COMMERCIAL USES OF WAIPIO VALLEY," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 830, returning House Concurrent Resolution No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII COUNTY, IN CONJUNCTION WITH BISHOP MUSEUM, THE PUBLIC UTILITIES COMMISSION, THE WAIPIO TARO FARMERS ASSOCIATION, WAIPIO VALLEY TOUR OPERATORS, AND THE KUKUIHAELE-WAIPIO COMMUNITY ASSOCIATION, TO DEVELOP, ESTABLISH, AND IMPLEMENT MECHANISMS OF CONTROLLING PUBLIC ACCESS INTO WAIPIO VALLEY VIA WAIPIO VALLEY ACCESS ROAD," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 831, returning House Concurrent Resolution No. 403, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE COMMERCIAL PRACTICES AND REGULATION OF OUT-OF-STATE PHARMACIES," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 832, returning House Concurrent Resolution No. 433, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY AND REPORT ON THE COORDINATION OF MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS BETWEEN STATE AGENCIES," which was adopted by the Senate on April 29, 1992.

Sen. Com. No. 833, returning House Bill No. 2082, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 834, returning House Bill No. 2361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIVE COVENANTS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 835, returning House Bill No. 2374, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 836, returning House Bill No. 2680, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE REHABILITATION HOSPITAL OF THE PACIFIC," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 837, returning House Bill No. 3063, entitled: "A BILL FOR AN ACT RELATING TO A TEACHER INCENTIVE PROGRAM," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 838, returning House Bill No. 3097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME RENTAL HOUSING," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 839, returning House Bill No. 3110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 840, returning House Bill No. 3152, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF INTEREST ON TAXES," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 841, returning House Bill No. 3154, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 842, returning House Bill No. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF FOREIGN MANUFACTURERS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 843, returning House Bill No. 3156, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF DIVIDENDS RECEIVED FROM AFFILIATED CORPORATIONS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 844, returning House Bill No. 3159, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LIMITATION PERIODS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 845, returning House Bill No. 3160, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR S CORPORATION SHAREHOLDERS," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 846, returning House Bill No. 3274, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 847, returning House Bill No. 3295, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 848, returning House Bill No. 3332, entitled: "A BILL FOR AN ACT RELATING TO THE DISPERSAL REVIEW COUNCIL," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 849, returning House Bill No. 3396, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 850, returning House Bill No. 3642, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 851, returning House Bill No. 3697, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SOURCE REVENUES," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 852, returning House Bill No. 3725, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," which passed Third Reading in the Senate on April 29, 1992.

Sen. Com. No. 853, informing the House that the Senate has adopted Senate Concurrent Resolution No. 70, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO GRANT AN EASEMENT OR TO LEASE CERTAIN SUBMERGED LANDS AT EWA TO HASEKO," on April 29, 1992.

Sen. Com. No. 854, informing the House that the following bills passed Final Reading in the Senate on April 29, 1992:

S.B. 1440, SD 1, HD 1, CD 1
H.B. 2322, HD 1, SD 1, CD 1
H.B. 2123, HD 1, SD 1, CD 1

H.B. 1180, HD 2, SD 1, CD 1
H.B. 2500, SD 1, CD 1
H.B. 1715, HD 1, SD 2, CD 1
H.B. 1346, HD 1, SD 1, CD 1
H.B. 1023, HD 1, SD 1, CD 1
H.B. 2455, HD 2, SD 1, CD 1
H.B. 3046, HD 2, SD 1, CD 1
H.B. 3963, HD 1, SD 1, CD 1
H.B. 2409, SD 1, CD 1
H.B. 3533, HD 1, SD 1, CD 1
H.B. 2818, HD 2, SD 1, CD 1
H.B. 3034, HD 1, SD 1, CD 1
H.B. 3028, SD 1, CD 1
H.B. 2811, HD 1, SD 1, CD 1
H.B. 3006, HD 1, SD 1, CD 1
H.B. 3508, SD 1, CD 1
H.B. 3466, HD 2, SD 1, CD 1
H.B. 3157, HD 2, SD 2, CD 1
H.B. 2504, HD 2, SD 2, CD 1
H.B. 3558, HD 1, SD 1, CD 1
H.B. 2505, HD 2, SD 2, CD 1
H.B. 3563, HD 2, SD 1, CD 1
H.B. 3673, SD 1, CD 1
H.B. 1237, HD 1, SD 2, CD 1
H.B. 2808, HD 2, SD 1, CD 1
H.B. 2724, HD 1, SD 1, CD 1
H.B. 2391, HD 1, SD 1, CD 1
H.B. 3946, HD 2, SD 1, CD 1
H.B. 3843, HD 2, SD 1, CD 1
H.B. 2336, HD 1, SD 1, CD 1
H.B. 3233, HD 1, SD 1, CD 1
H.B. 599, HD 1, SD 1, CD 1
H.B. 3121, HD 2, SD 1, CD 1
H.B. 2323, SD 1, CD 1
H.B. 3726, HD 1, SD 1, CD 1
H.B. 3303, HD 1, SD 1, CD 1
H.B. 2871, HD 1, SD 1, CD 1
H.B. 3424, SD 1, CD 1
H.B. 2604, HD 1, SD 1, CD 1
H.B. 2597, HD 2, SD 2, CD 1
H.B. 3854, HD 1, SD 1, CD 1
H.B. 1926, SD 1, CD 1
H.B. 2496, HD 1, SD 1, CD 1
H.B. 3032, HD 1, SD 1, CD 1
S.B. 576, SD 2, HD 2, CD 1
S.B. 2592, SD 1, HD 1, CD 1
S.B. 3157, SD 1, HD 2, CD 1
S.B. 1347, SD 2, HD 1, CD 1
S.B. 3179, SD 1, HD 2, CD 1
S.B. 3098, SD 1, HD 1, CD 1
S.B. 3354, SD 1, HD 1, CD 1
S.B. 2896, HD 2, CD 1
S.B. 2382, SD 1, HD 3, CD 1
S.B. 276, SD 1, HD 2, CD 1
S.B. 2229, SD 1, HD 1, CD 1
S.B. 2674, SD 1, HD 2, CD 1
S.B. 2729, SD 1, HD 1, CD 1
S.B. 2900, SD 1, HD 1, CD 1
S.B. 2653, SD 1, HD 1, CD 1
S.B. 2420, SD 1, HD 2, CD 1
S.B. 2922, SD 2, HD 2, CD 1
S.B. 2454, SD 1, HD 2, CD 1
S.B. 2678, SD 1, HD 1, CD 1
S.B. 1526, SD 2, HD 2, CD 1
S.B. 2228, SD 1, HD 1, CD 1
S.B. 2231, SD 1, HD 1, CD 1
S.B. 3145, SD 1, HD 1, CD 1
S.B. 2253, SD 2, HD 2, CD 1
S.B. 3432, SD 1, HD 2, CD 1
S.B. 3367, SD 1, HD 2, CD 1
S.B. 1528, HD 1, CD 1
S.B. 2432, SD 1, HD 1, CD 1
S.B. 2296, SD 1, HD 1, CD 1
S.B. 1293, SD 2, HD 2, CD 1
S.B. 2824, SD 2, HD 1, CD 1
S.B. 2918, SD 1, HD 1, CD 1

S.B. 2714, SD 2, HD 2, CD 1
 S.B. 2770, SD 1, HD 1, CD 2
 S.B. 2258, SD 1, HD 1, CD 2
 S.B. 2894, SD 1, HD 2, CD 1
 S.B. 3371, HD 2, CD 1
 H.B. 2613, HD 1, SD 1, CD 1
 H.B. 3164, HD 2, SD 2, CD 1
 H.B. 3277, HD 2, SD 2, CD 1
 H.B. 1509, HD 1, SD 2, CD 1
 H.B. 2313, HD 1, SD 2, CD 1
 H.B. 3030, HD 1, SD 1, CD 2
 H.B. 3342, HD 2, SD 2, CD 1
 H.B. 3944, HD 1, SD 1, CD 1
 H.B. 3084, HD 2, SD 2, CD 1
 H.B. 2319, HD 2, SD 1, CD 1
 H.B. 2917, HD 2, SD 2, CD 1
 H.B. 3857, HD 2, SD 2, CD 1
 H.B. 3179, HD 2, SD 1, CD 1
 H.B. 1817, SD 2, CD 1
 H.B. 3787, HD 1, SD 1, CD 1
 H.B. 3457, HD 1, SD 1, CD 1
 H.B. 3934, HD 2, SD 2, CD 1

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 Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 146 and H.B. No. 2454, HD 1, SD 1, CD 1:

Representative Arakaki moved that the report of the majority of the Committee be adopted and H.B. No. 2454, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Anderson rose and stated:

"Mr. Speaker, I was going to ask for an amendment but I won't. At this particular time, Mr. Speaker, as you well know, I voted against the budget and I was going to ask my colleagues not to vote against the budget because we worked hard on the budget. But let me tell you, Mr. Speaker, in this budget is a piece of legislation that should not be in because it does not meet with the Constitution. I have brought that up with your Majority. They have said that it does and that there is no problem with it and yet, Mr. Speaker, we are giving one of the largest projects that this State has ever had, costing the taxpayers \$1.7-billion, and we don't want to discuss it. All I wanted to do was take that part out and we would vote on it individually. We would vote on the Transit Development Agreement that was here from last year. The Finance Chairman's statement that he had some problems with it and he was glad that we were going to look at it and that we were going to vote on it. I have our Vice Speaker who was very happy but said that there were problems, and it's in the Journal. I have our Transportation Chairman who also said that he was going to bring it before us.

"The Constitution says that we cannot have two bills in one and right here it says, it's nice that we're going to have two bills in one. We have Act 184 and Act 183. It said we should go ahead and vote on this. You folks don't want to. That's fine, Mr. Speaker, but I think it's a shame when we're going to give up our money, and let me clear it before I start on that. Mr. Speaker, what

we're doing is, I'm on the House part of this. We deleted the \$50-million. We did not have the agreement in there so this is the House position that I'm fighting for or that I'm talking about. I'm really upset because everybody has been calling me out of order so damn much.

"We have disagreement that we're going to build this transit. The people don't want it. It's the peoples' bill and we don't want to discuss it, and I've heard people say -- well, you're against labor. Well, let me explain something to you, Mr. Speaker. We now have the Aloha Tower Development, Kakaako Development, H-3, Honolulu International Airport, redevelopment of the whole waterfront, and we're looking at the superblock for \$375-million. That will keep labor busy forever and it's something that we can afford. We cannot afford the \$1.7-billion, but we're not going to discuss it. Everyone of you here should have had the courtesy to go into that Caucus Room and say, I would like to vote, but no, you didn't want to. And that's all that this amendment would have done. And if the Majority Party with forty-five could not have had enough votes for the Transit Development Agreement, then it's a damn shame. I think it's ridiculous to have that many people and always afraid to have dialogue. You misuse our rules, the parliamentary procedure -- I'm even embarrassed at times. It's a good thing that I'm Portuguese/Hawaiian. I get angry and then I'm pau after, but right now you're going to get it!

"I am not going to agree to that budget when we have not done anything for the educational system that we could. I want to take the \$50-million out. I want to be able to use it elsewhere, but if you're going to insist on passing this, even though it does not meet the constitutional requirement, then so be it!

"But, Mr. Speaker, I also had another amendment. I call it 'protect the okole time.' And I'm not going to introduce this one either. But this amendment, I was going to have for all of our members because I think it's important. I wanted to add a new section to read as follows, Mr. Speaker: 'Section 6 (164-A) provided that if the City Council of the City and County of Honolulu fails to adopt a county general excise and use tax surcharge ordinance by October 1, 1992, thereby dissolving the Transit Development Agreement with the State, the Legislature shall meet in Special Session to reallocate the \$50-million appropriated for the transit and fund education, housing, health and human services.' I also think that's very important.

"As a businessman, Mr. Speaker, the reason that I can't afford this particular one-half percent is because I do bid. Being a legislator, I only bid normally on City and State contracts because they're very small. That's about all I can get. I'm too busy here. But when you bid on a City or State contract, you have to include all taxes, all insurance, you include everything and your profit is very small, and then after that, when you get your gross, you're going to pay another four-and-one-half percent on top of that, and that's hard for any businessman. But over and above that, Mr. Speaker, the people out there -- you're saying we're going to give enabling legislation to the County for one-half percent, and that's wonderful, but then we're going to give them \$10-million or \$50-million for ten years, and then to swing the pot, we're going to give them tax credit, and that's all from the State. The City was nice enough to reduce their property tax because of that. They're not putting up anything. We don't even know if they have the votes, but we have to put in \$50-million and they cut \$211-million because they don't have to put it up right now. So those are some of the things that I was going to bring up, Mr. Speaker. I had the Constitution -- I brought it to your attention. I'm frustrated but I have

another bill later that I'll bring up again because that also does not meet our constitutional requirement. There's a problem with that one and all I had asked is since we're here to do the peoples' business, that if we were going to extend, then let's extend to do the peoples' business. We amend the State budget and take the House position and the other piece of legislation that's going to come up later, which is also going to have to be scrutinized, we could take up also because that, too, is important.

"And I thank you gentlemen for not calling me out of order, telling me that I should. . .and besides, that I want you to know that when I started, I told you I had a full head of hair. It's started to fall, and I'm lucky now, when taking over this job, I've been able to get a little gray.

"Thank you very much and have a nice evening."

Representative Metcalf then rose and stated:

"First of all, I'd like to thank my dear friend for his reticence and moderation and point out that, in my view, I think clearly the actions of this body do meet constitutional muster. But primarily, I would just like to thank the Chair, members of the Committee, and the staff for the hard work they've done and the difficult decisions they've had to make in putting this budget together.

"Thank you."

At 12:18 o'clock a.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock a.m.

Representative O'Kieffe then rose on a point of clarification:

"Mr. Speaker, in the State Constitution, Article III, Section 15, it states that, 'No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass Third or Final Reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours.'

"The first we saw of this bill was at 8:00 o'clock yesterday morning, and I am wondering if this is a breach of the constitutional section."

The Chair responded:

"The budget bill was decked at 11:07 p.m. It was made available to the Clerk of this House and it is a House bill that was decked at 11:07 p.m. And I think it is part of your responsibility, as a member of this House, to see and check with the Clerk's office whether, in fact, there was a bill decked at 11:07 p.m. and if you did, as a responsible legislator, check with the Clerk's office, that bill was available then and you could have had a copy of that bill at 11:07 p.m."

Representative Anderson then rose on a point of clarification:

"I wrote down the time when we were in conference upstairs. It was 11:12 p.m. when the Chairman said, 'Please sign the bill,' if we feel that we could move things along. At that particular time, Mr. Speaker, I looked and there were 438 pages in that document. I signed 'I do not concur' because I could not read it in total. I looked at the O.D. today -- it says that it was decked at 11:07 p.m. but I did notice that we did not start tonight

until. . .at least the first time we brought it up was 11:36, I think, and I felt that at least met the constitutional requirement, but it was not, as far as I know, decked at 11:07 p.m. and it could not possibly have been because I, myself, did not sign that bill until 11:12 p.m.

"Thank you."

Representative Thielen then rose and stated:

"Mr. Speaker, I would like to first make a statement on the matter that my colleagues have brought up.

"The Constitution is very clear. The Constitution states that 'No bill shall pass Third or Final Reading unless copies of the bill shall have been made available to the members of that house.'

"I was speaking on the eighth floor as I was waiting to sign another late piece of legislation about whether or not there were copies in the plural of that bill available and was told there was only one copy and that was in on the Clerk's desk. And my question, Mr. Speaker, is -- are we to assume now that the Constitution means only a single copy on the Clerk's desk, or are we to assume that the constitutional provision means copies shall have been made available to the members? They were not available and I was here up until shortly after 12:01 a.m. And, Mr. Speaker, if I could just have a clarification of that matter -- whether copies in the Constitution implicitly means copy or whether it does mean copies shall be made available to the members, and then I'd like to continue as soon as I get that clarification."

Representative Metcalf then rose and asked whether or not the representative would yield the floor, to which Representative Thielen replied:

"As long as I may have the floor back as soon as you respond to my question."

Representative Metcalf said, "Yes, you may," and stated:

"Mr. Speaker, I believe that you ruled on this issue already. I think that, certainly, any member can take this up with the Attorney General if they're unhappy with the ruling that the Speaker has made."

The Chair responded:

"As far as the Chair is concerned, on this particular measure, the House had worked on this bill from the beginning of the session and it met the three steps in terms of having this bill adopted. We had three readings on this in the House and it was transmitted to the Senate. The Senate had three readings on this bill in the Senate and there were disagreements, and this is how the Conference Committee was formed so that we could iron out the disagreements. The Conference draft was adopted and this Conference draft was decked at 11:07 p.m. and was decked with the Clerk of this House, and this is where we are all today. And it's your word against the Leadership, and if you have any questions as to the validity of the decking, as Representative Metcalf said, you may take this up with the Attorney General and a ruling can be possibly made at this time or later on, but this is the ruling of the House at the present time."

Representative Thielen thanked the Chair and stated:

"That sort of answers my question about whether the singular is the plural, or whether the plural is the singular."

Representative Thielen then moved to amend House Bill 2454, HD 1, SD 1, CD 1.

The Chair interrupted and stated:

"Representative Thielen, I call you out of order. I will not accept that amendment. You are out of order."

Representative Thielen stated:

"Mr. Speaker, I refer to the Rules of the House of Representatives which states on page 30 that 'a bill may be amended on Third Reading,' and it is very specific. It is Rule 36.2, Mr. Speaker."

The Chair stated:

"This is not a Third Reading bill, this is a Final Reading bill, so you are out of order."

Representative Thielen then said:

"When a bill is to be finally voted upon, Mr. Speaker.

The Chair interrupted:

"Representative Thielen, you are out of order. I will not accept any more suggestions from you."

Representative Thielen asked:

"Mr. Speaker, why is this body so afraid to stand up and take a vote on this measure -- to take a vote on the largest capital improvement project that we will ever fund?"

At this point, Representative Arakaki asked for a recess and at 12:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock a.m.

GOVERNOR'S MESSAGE

Gov. Msg. No. 94, providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, was read by the Clerk and was placed on file:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

April 30, 1992

The Honorable Daniel J. Kihano
Speaker of the House of Representatives
The Sixteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

"EXECUTIVE ORDER

"WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor'; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 1:00 a.m., April 30, 1992.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 30th day of April, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III
Attorney General"

UNFINISHED BUSINESS

Representative Thielen rose and stated:

"Mr. Speaker, I understand your position that I may not submit a motion to amend the budget. I, therefore, wish to speak in support of House Bill 2454, HD 1, SD 1, CD 1, but with some very serious reservations, Mr. Speaker.

"I think that we, today, are faced with the opportunity to look at what is going to be probably the largest capital improvement project in any of our lives, and I don't feel that we have taken a stand and been accountable to the people in the State of Hawaii on this measure. I think we're doing what football players do on the field -- we're punting -- and we're punting to the City Council and in a way, hiding behind this body and our Development Agreement and a law that may possibly give us the ability to hide.

"The people in Hawaii, at least on the island of Oahu, have spoken out overwhelmingly in opposition to encumbering ourselves with this debt into the future and it's something that we have not really had the . . . I wanted to say the courage. . . I don't think that any of us lack courage in this room and I don't mean to imply that, but we have not had the accountability to stand up and be counted after a full hearing on the measure. I think that our constituents and the people in Hawaii deserve at least that from us. So I am deeply troubled that we are

punting on this measure, Mr. Speaker. I think that there may be some serious procedural defects with that because my reading of the language in the law states that the Development Agreement shall be submitted to the Legislature. We can approve it, we can do nothing and it becomes effective, but it shall be submitted to us. This is not submitting the Development Agreement to us. It's a two step process, and I cannot exercise my legislative function to make a decision on that Development Agreement because it is not before me officially. Struggle as we may on this side of the aisle to get that document before us so we can make a knowledgeable decision on whether that \$1.7-billion capital improvement project should go ahead, we have not been able to get that before us. And so I am deeply troubled about the provisions on pages 145 and 146 of the budget and feel that it is in the State's best interest that we address this matter and come to grips with it and make a decision. I see now that the Majority is maybe going to take some steps to say that I should not continue to speak on this. If that is so, Representative Apo or Vice Speaker, I will defer to your wishes. If not, I'd like to continue speaking."

The Chair responded:

"Representative Thielen, you still have the floor."

Representative Thielen thanked the Chair and continued:

"There are a couple of other matters in the Development Agreement that trouble me also. A couple of them relate again to the Office of...

Representative Souki then interrupted on a point of order and stated:

"The Development Agreement is not part of the budget and I wish that my friend across the aisle would stick to speaking to the item in the budget."

The Chair said:

"Your point is well taken," and asked Representative Thielen to "wrap up any remarks you may have relating to the Development Agreement."

Representative Thielen continued:

"I respectfully take the opposite approach or I have a different opinion from the Chairman of the Finance Committee. We cannot have a sum of \$50-million in the budget without the underlying document which is the Development Agreement which provides for that amount of money. So while it is not technically the words 'the Development Agreement,' it is implicitly within the document and we have to have that there, and there again I say that we should be accountable and taking a stand on that measure.

"Actually, in reflection, the other provisions upon which I was going to comment pale by comparison and so I will surrender the floor. I am sorry that I have not been able to act out my role in either approving or disapproving the Development Agreement, and I think that is regretful for all of us. I believe that we all will think back on this day and wish that we had done this differently.

"Thank you, Mr. Speaker."

Representative Bellinger then rose and stated:

"With great reluctance, I stand to speak against the budget.

"First of all, I wish to state that it's in no way reflective upon the outstanding efforts that Chairman Souki, Vice Chairman Say, and the other members of Finance have made. Indeed, they have done a very good job under very difficult times, but the issue of the mass transit funding for \$53-million is one on principle that I must stand up and seriously object to.

"In my district, we have looked at it very long and hard. We've done extensive polling and it's very clear from my constituents that, after a very large poll, 73 percent of them did not favor mass transit, 83 percent of them were not in favor of the increase in the excise tax, so by supporting that particular provision in the overall budget, for me, it goes contrary to a very strong mandate from my particular district. So it is with great reluctance and a decision which is not terribly easy for me to make, however, in this regards, I must decline.

"Thank you."

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

"The \$50-million in the budget is not \$53-million -- it is \$50-million -- is an amended version of the budget we passed last year. In effect, the \$50-million is not part of the supplemental budget -- it is an item that we passed last year. And so when you say you speak against the supplemental budget, it does nothing to the \$50-million. That was already passed last year.

"I just wanted to have this clarification so that the members can begin to understand that.

"Thank you."

Representative Bellinger then rose and stated:

"Mr. Speaker, if that being the case, then I can support the supplemental budget. But I do wish to just re-emphasize the fact that the issue of mass transit and its effect on our funding is being brought to a higher and higher visible level in our community and the sentiment against this is extremely strong, and I do not think that we dare ignore the message that our constituents are sending us loud and clear.

"Thank you."

Representative Tatibouet then rose and stated:

"I stand to speak in favor of House Bill 2454 and I speak with grave reservations about the bill. I speak specifically with grave reservations regarding the \$50-million appropriated for the Transit Capital Development Fund. I also am going to speak on behalf, as well as my Minority colleagues, and make the following statement, Mr. Speaker:

"The Conference draft one appropriates \$50-million to the Transit Capital Development Fund without having any legislative consideration and/or action on the Development Agreement between the City and County of Honolulu and the State of Hawaii which was submitted in December of 1991 along with the findings of the Director of Finance.

"It is our sincere belief that the Legislature has therefore failed to comply with the intent of the Hawaii law which set up these Revised Statutes. Further, the 1992 House Journal contains no review, discussion, nor approval of the mass transit development agreement, despite the fact that the Minority has attempted to initiate such consideration. In addition to the language of the law, we believe that the intent on passage in 1990 is

contained in remarks entered into the 1990 Journal by the Chairman of the Finance Committee, Chairman of the Transportation Committee, and the Vice Speaker, among others, who assured the members of the House that there would be a full review of the development agreement in 1992.

"If the 1991-1993 biennium budget is approved with this appropriation, we will be making a commitment of \$50-million to the Transit Capital Development Fund while the Mayor of the City and County of Honolulu, a co-signator, can give us no assurance that the City and County can comply with its financial obligation since the Honolulu City Council has not yet enacted the one-half percent increase in the general excise tax on which the development is predicated.

"Indeed, the Council's Budget and Finance Committee has cut \$211-million from the transit project because the Chair of that Committee stated, 'I felt that there was no reason to fund a project now that still needed final approval.'

"Recent polls show that a majority of the public does not favor this project, the most costly public works project ever undertaken, and one which will undoubtedly impose a heavy tax burden for years to come.

"There is little doubt that were we able to submit this issue to the voters in referendum form, that it would be defeated by the electorate. We believe that to employ legislative slight-of-hand to approve this \$50-million appropriation is to deprive these legislators -- my colleagues, our colleagues -- an opportunity to vote on the Development Agreement as intended by the passage of the 1990 legislation.

"For these reasons, your Minority members of the House of Representatives are not in accord with the intent and purpose of House Bill 2454, HD 1, SD 1, CD 1, and would have preferred that it pass Final Reading in an amended form.

"I would like to add that as my colleague, Representative Bellinger, mentioned, I, too, have done extensive polling in my district and my citizens are opposed to having the fixed rail transit system at 74 percent and are opposed to the tax increase at 83 percent of my constituents.

"Thank you very much, Mr. Speaker."

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

"I hadn't intended to take such a drastic step, however, I do wish to point out this is as the Chairman of Finance pointed out, it is a supplemental bill and we still operate under the Executive budget bill which we passed last year for the biennium.

"It is with a great deal of thought that I have taken this stance against the bill and, you know, I received some letters from some children in my district and it's their letters that made me take this step. I just wanted to read a few quotes from those letters. I really don't want to get too much into the mass transit argument that has taken place previously but mainly to point out, I think, what the kids are trying to point out as to what are our priorities. And one student writes: 'I really think that putting the mass transit or some stupid UH arena in front of the needs of Hawaii's public school students is very wrong.' Another student writes again about the \$50-million mass transit and it also mentions about how it's unfair to use public money for the new sports arena for the UH students. I think the students are saying something very

important that has a great impact on me. It's that I think they're calling our bluff. They're saying, you know, where is our commitment to educational reform and to education? You know, this reminds me of the story from Hans Christian Andersen where the Emperor decided to get a whole set of new clothes and all the people praised him as he walked down the street about the great clothes that he had and then some little kid says in the end that there aren't any clothes. And I think that this is what these children are trying to say. . . you know, where is the commitment?

"There are other reasons why I think it is important for us to vote down this budget and perhaps go into a Special Session, or perhaps to reconsider the budget. But I think it is this commitment from the kids. . . from the students, I think, that has made me take this big step.

"Another item in the budget, and there are some other items that I do have some concerns about, but another important item in the budget deals with the general obligation funds for the construction of two towers at McKinley High School. I am sure everyone knows that I have opposed the two towers. I think it is important, and that is in the budget today, that is in this bill, as well as what the students seem to be considering a call in this place priority.

"I wish to state publicly as to why I feel that this item should have been deleted from the budget and that its presence in the budget, together with some of the other items, have caused me to take this drastic step to vote against this bill. I got involved in this issue because the person who was then the President of the McKinley High School PTSA asked me for help. She was a very unusual person. She attended private school, became a lawyer, married a professional, and any person who had attended a private school, I think it's a safe guess, would have ended up sending her kids to Punahou or to Iolani. This woman instead chose to send her kids to McKinley High School -- something very laudable. The current President of McKinley High School PTSA has a wife who teaches in the public education system and many times we offer a joke, you know, many of the parents who send their kids to Punahou, or to Iolani, or to Mid-Pac, are teachers in the public school system or administrators of the Department of Education. This person and his wife, who is a teacher, have sent all of their kids to McKinley High School, and it was their dedication and their commitment to fight for excellence in public education that made me take the steps that I have done in the past year regarding this issue.

"I think the way and the manner in which these items appear in the budget really shows, I think, that we are not in favor of educational reform. The basic thrust of educational reform, as we have heard on this floor on several other bills, is that we should believe in decentralized decision-making, start at the school and community-based level. We heard it in the Berman Report, we've had experimental projects, we are now proceeding to go ahead.

"The decision to build these towers was not made at the grassroots level. It was made by budget item that was stuck into the budget. It was not a separate bill. There was never ever any hearing on this matter. When the decision was made to go ahead with the project last year, certain officials at the very top at the University, at the Kakaako Development Agency, made a deal, made an agreement, and then they decided to go to the McKinley High School administration and the teachers and then said, well, we made the decision, how can we help you? This is hardly decentralized decision-making; this is hardly educational reform.

"One of the things I think we've tried to do over the years is to push for excellence in education. We had recently, on television, the Sixth Annual Sterling Scholars Awards which awarded various of our seniors awards in many categories, from home economics to mathematics, and this was the sixth annual. I had someone on my staff do a count of all the finalists over those six years and I wanted to share the results with you. In terms of high schools, public high schools on Oahu, there are three public high schools that stood out. They had the most finalists for the Sterling Scholar Awards for the six years of the existence of that awards and they were all tied for first place. Those three schools are Mililani High School, Moanalua High School, and McKinley High School. By every indicia of success, McKinley has been an excellent public high school, and it really troubles me that in a response for their pursuit of excellence, we have, in effect, chosen over their objections to build these two towers.

"There have been many arguments made and I wouldn't want to fault the University of Hawaii on this ... here's an institution, dedicated to scholarship. You know, during the debate over this issue, they kept bringing it up to me ... you know, we did a report. I have the report in front of me stating that they reviewed the land and they felt that they made the decision based on the report that they should build the towers at Pensacola on McKinley High School property. Their own report, if you read it very carefully, advocated building faculty housing on lands owned by the University. The University is the one entity that has been allowed to hold title to land separate from the Department of Land and Natural Resources and, of course, the Hawaiian Home Lands. That was faulty research. The University does not own the Pensacola campus land. They made their decision based on faulty research. When that parcel was alleged transferred to the University, only the programs were transferred. These are the vocational education programs. The jurisdiction of the land was never transferred so they made the decision to pursue a housing project on the McKinley High School property based on faulty research, and that troubles me also.

"I think, and I've said this before in a previous bill dealing with the Hawaii State University, I think I have some grave concerns over the future of the University, and I think that these concerns make particular sense now because the University is engaged in a presidential search. I think if anyone were to seriously consider coming to Hawaii or to the University, I think if they were to review the budget, certainly the capital improvements budget, that person would have grave concerns. Over this issue of the McKinley Towers, you are pitting the higher education system against the public education system. That is truly an uncomfortable position for anyone who intends to assume the helm at the University of Hawaii. If that same person were to review the CIP budget for other items, I think that person would also have concerns as to why the basketball arena is being built as opposed to the extension of Hamilton Library, certainly the most important expansion item the University has needed for the past decade and a half.

"Going back to the reason why I am standing up to vote against this bill, again, letters from these students. They are saying, what is our true priorities and why haven't you reflected in the way in which you have allocated the funds? I think that we should bear some witness to these school children, that the words they have stated to us in formal letters, I think, should weigh heavy in all of us. It certainly has weighed heavy on me. This is why I've taken, I think, a very drastic step. I think we ought to vote down this bill, start anew, and have the budget items reflect what we say our priorities truly are. I hope I can persuade all of you to agree with me, but if not, I felt that, for the record, I did want to state the

reasons why I have taken this drastic step and the reason why I have opposed the construction of those towers at McKinley High School.

"Thank you very much."

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

"Mr. Speaker, I'd like to focus my comments on the appropriation into the Transit Capital Development Fund, if I may.

"In order to identify and to truly understand the basis and rationale for this appropriation, I feel that it is necessary for all of us to reflect back a couple of years to the 1990 legislative session. In response to the City's request, the 1990 State Legislature enacted into law two measures to provide the City and County of Honolulu with the authorization to enact ordinances to finance the construction of a fixed rail rapid transit system. As was the overriding sentiment back in 1990, this legislative authorization included an annual commitment by this State to contribute \$50-million in existing general fund revenues towards the construction of this project. Prior to making this \$50-million commitment back in 1990, much deliberation and debate evolved regarding just where these moneys would come from in that year as well as in future years.

"Poised for passage during our transit deliberations in 1990, Mr. Speaker, was another bill -- a bill to provide permanent income tax relief to Hawaii residents. This bill, Mr. Speaker, was estimated to permanently reduce the effective net income tax burden on Hawaii's taxpayers by approximately \$37.5-million per year. Noting that in the three sessions prior to 1990 that a cumulative income tax reduction in the amount of \$325-million was enacted for the benefit of our residents, the 1990 Legislature agreed to forego the \$37.5-million permanent tax relief package, I may add. They decided to forego that and to instead pledge these dollars as the State's annual contribution towards the construction of the fixed rail rapid transit system. The 1990 Legislature then bit the bullet, they killed the tax relief bill, and enacted into law the transit financing package, which included a \$50-million per year commitment from the State of Hawaii. Had the 1990 Legislature decided not to enact the transit financing legislation, had they decided not to do that, the bulk of the \$50-million that we are appropriating would not be a part of our general fund today.

"Mr. Speaker, the initial portion of this \$50-million commitment is embodied in Act 183, Session Laws 1990, which stipulates that each year, beginning with fiscal year 1992, the Legislature shall appropriate to the Transit Capital Development Fund the sum of \$53-million, or so much as may be deemed necessary, for the purpose of financially assisting the counties for capital costs in developing mass transportation. This again, Mr. Speaker, is part of our State law.

"What we are doing today by appropriating these dollars into the Transit Capital Development Fund is merely abiding by the intent and purpose of that law. I fully realize, Mr. Speaker, that there are several members here tonight who do not support the fixed rail rapid transit system. I am very much aware of that, and while I truly do respect and accept the feelings of those who are opposed to the transit system, I would like to emphasize, Mr. Speaker, that this appropriation should not be looked upon as pro-transit, nor should a negative vote be viewed as anti-transit. That is not the issue, Mr. Speaker, that is before us today. The issue embodied in this portion of the supplemental budget is to fulfill the intent and purpose of the law enacted in 1990, which states that the

Legislature shall appropriate such dollars into the Transit Capital Development Fund. Following the intent and purpose of the law. That is what this is all about tonight.

"Mr. Speaker, there has also been a lot of talk on the floor of this House over the past few days regarding whether or not a vote to formally approve or disapprove the Transit Development Agreement is necessary. I would like to again state, Mr. Speaker, that the intent of Acts 183 and 184 (1990) is quite clear. . . if the 1992 State Legislature does not disapprove the Transit Development Agreement, such agreement shall be deemed approved. To me, Mr. Speaker, the language is explicitly clear, and it is difficult for me to understand how others can interpret it otherwise.

"Act 184, Mr. Speaker, also states that the manner in which the 1992 State Legislature may disapprove the Transit Development Agreement is by concurrent resolution. With all this discussion of late, I would like to formally note for the record that there was only one House Concurrent Resolution introduced this session to disapprove the City's Transit Development Agreement. What is further interesting to note, Mr. Speaker, is that this one House Concurrent Resolution was not introduced by any of the proponents who have been advocating the necessity of a formal vote on this agreement. It was not introduced by them. In fact, Mr. Speaker, this lone House Concurrent Resolution was introduced by a Majority member and further, Mr. Speaker, this resolution was introduced 'By Request.'

"I feel it quite intriguing to note also that all of this verbiage about voting on the Transit Development Agreement emerged well after the deadline for passing House Concurrent Resolutions to the Senate. While I would like to believe, Mr. Speaker, that the proponents of this move are sincere in their desire to have a floor vote on this agreement, circumstances cause me to wonder.

"As I mentioned on the floor the other day, an extensive briefing, along with a public hearing, was held on the City's Transit Development Agreement during the month of January, 1992, by three committees of this House. It was found, Mr. Speaker, that the City did comply with the intent and purpose of the legislative authorization granted in 1990 and that a veto of this agreement was not warranted.

"Finally, Mr. Speaker, if those who are advocating a floor vote are looking for someone to point to regarding why that lone 'By Request' transit resolution was not brought out of Committee, I take full responsibility for that, Mr. Speaker -- full responsibility. The House Transportation Committee had the lead referral. As Chair of that Committee, Mr. Speaker, I did not believe, after review, that a veto was warranted. Thus, the measure was never scheduled. I shoulder again, Mr. Speaker, full responsibility for that. I would like to add, Mr. Speaker, that I strongly feel today that my decision was justified and that it was proper. And I stand by it.

"Thank you."

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

"Mr. Speaker, first of all, I would just like to take this opportunity to thank the Leadership, to thank Speaker Kihano, for giving me the opportunity for the past two sessions to serve as Human Services Chairman. I can tell you right now that in the Committee hearings that we've experienced, I have grown to realize that the Human Services Committee is truly a people committee -- it deals with all kinds of people, it deals with peoples' lives and it touches so many lives, so many lives that depend on the

dollars that we give them, and it's been an honor and a privilege for me to serve with our Committee.

"This human services budget before you maintains services, provides stability to the human services workforce, and calls for belt-tightening in areas not affecting direct services while laying the foundation for the human service delivery system of the future.

"In the area of AFDC shortfalls, we have appropriated \$18-million to continue to provide funding so that our poor families and individuals will be able to purchase basic necessities of life.

"In the area of Medicaid shortfall, this budget appropriates \$44-million in medical services for those in need of health care.

"In the area of domestic violence, Mr. Speaker, we have established two positions to begin to develop and coordinate our State's domestic violence program and we have provided funding to increase the number of domestic violence shelters for abused women in Windward Oahu.

"I want to take this opportunity to thank Representative Jackie Young for all of her efforts and all of the Windward legislators for their efforts in this -- I know a very, very worthwhile movement.

"For the elderly population, we have kept family hope alive. During the session, I know that thousands of constituents called and wrote to us, telling us that this is a priority and we responded to the challenge by appropriating \$500,000 in our supplemental budget. As Human Services Chair and as a private citizen, I am committed in getting the word out to every individual living and working in Hawaii that we must plan for our future, and our future is establishing a long-term care program which will benefit families throughout the State by assisting individuals and their families financially, whether in a nursing home or in a home.

"Concerning youth, I am one hundred percent convinced that our wisest investment in the future is in our children. Nothing is more important than supporting our youth and their families. For fiscal year 1993, \$1.5-million was appropriated to provide for continuing gang prevention programs. With an additional eleven positions authorized, the Office of Youth Services will be able to establish case management teams at its Youth Service Center Program in Honolulu. CIP funds of \$5.2-million will allow for the completion of a new custody facility which is humane, secure and safe for our serious and violent offenders. During this past interim, I witnessed youth organizations throughout the State coming together as one to fight to maintain positive programs to benefit Hawaii's youths, an effort which truly overwhelmed me.

"And finally, in the human services area, I truly believe that if we are going to meet the challenges of conquering the cycle of poverty in our State, we will be victorious if we are able to provide jobs for those who want to work, and that's what the Jobs Program is all about. The vision of the Jobs Program, Mr. Speaker, through its goals, is to assist families receiving Aid to Families for Dependent Children achieve financial self-sufficiency. We have appropriated \$794,632 to administer the Jobs Program on a statewide basis, to provide the needed employment training and support services to help families. We have provided two positions -- one in child care and one in children's health services -- to strengthen services for children of families in the Jobs Program. We are transferring \$397,000-plus to assist the program in the development of an automated information system. We have appropriated \$878,503 to serve 697 families through the Jobs Program on the island of Hawaii, and that's East

and West Hawaii, with 23 new positions. And we have appropriated \$258,541 to serve 127 families through the Jobs Program on the island of Kauai. The addition of the islands of Hawaii and Kauai means that over three thousand families are now targeted to be a part of the Jobs Program.

"I am convinced, Mr. Speaker, that if we, as legislators, are committed to break the intergenerational cycle of poverty and end the long-term dependence of welfare, we have got to enter the human services fast track and become more innovative and bold in our approach to creative quality of life for each man, woman and child living in the State.

"You know what, I look at this budget and I say, hurray! to Joe Souki; hurray! to Calvin Say; and hurray! to the Finance Committee, and all of you here tonight because you have given a lot of figures, you have touched so many peoples' lives with this budget.

"I just want to work on one more thing and I'm finished.

"In the area of public safety, an area which I am especially interested in as a former deputy prosecuting attorney, we cannot allow people who are convicted of committing violent crimes such as murder and rape to be free on the streets and endanger the lives, safety and welfare of our citizens. There is a critical need for additional bed space in our prisons and jails.

"I see George Sumner out there -- such a huge guy that I can even see him. Thank you, George, for waiting.

"But, you know, compounding the situation is the need for more funding to staff various rehabilitation programs for inmates. The Department's priority has been to provide immediate relief to chronic overcrowded conditions at its facilities. Planning has been ongoing to address future needs by expanding existing facilities, constructing new facilities and building the necessary infrastructure to operate and administer the correctional programs. The Department received funding for some twenty-plus community beds. It needs more, but at least that's a start, to contract for the placement of low custody inmates for its residential work release program as an alternative to incarceration, and received funding for 26 adult correctional officer positions.

"The Department received \$40,000 for its No Hope In Dope Program, a program that has proven successful in our schools in fighting drugs. The budget also provides \$864,000 to enable the Department to carry out needed repairs and maintenance to its existing facilities, and the Department received funding of \$450,000 for the security staffing for the forensic unit at the Hawaii State Hospital.

"You know, as an attorney and as a legislator, I frequent the prisons and jails quite often, only to feel a real sense of relief to walk out of there. You don't have to be blind to know when you're free from that place but it's great to be out, but I frequented those places and I can tell you that working in prisons is not a glamorous job. Running prisons is a thankless job, George, and I know what you're going through. Running a prison is like running our schools, or running big business, with one huge difference. Each correctional facility is operated 24-hours a day, 365 days a year, and cannot close or refuse to admit new inmate admissions.

"I just want to say in conclusion, again I want to thank my Human Services members for putting up with my jokes -- most of them weren't very funny, I know. I want to thank my Vice Chair for always being there when I needed her support and understanding. Susie, your

dedication and commitment for the feelings and rights of our disadvantaged is commendable. I want to thank Joe Souki -- you know, I had to learn how to beg this year -- but I'll tell you one thing, I enjoyed begging to a human being when a lot of compassion and love and understanding for people is evident, so Joe and Calvin -- thank you for your understanding and patience. And finally, I want to thank each and every one of you for taking part on the first day of this session. It started that day and it never stopped -- the excitement of singing **The Year of the Family** -- because this is truly a year that we can all be very proud of and it's something that we all did together as a family. So again, Mr. Speaker, thank you for your faith and judgment and cause, and I'm very proud of this budget ... it's the best that we could have done under the circumstances.

"Thank you."

Representative Anderson, in rebuttal, stated:

"Mr. Speaker, the Chairman of Transportation made some comments. He's a very good friend and I really have appreciated him all these years, but I'd like to make one thing clear, Mr. Speaker. It's always wonderful when you read something and you say, the laws shall. . . The law says we shall do this, but then they omit what the law also says, and the law said, in Act 184: 'The Governor and the County shall submit the Development Agreement to the Legislature. The Legislature shall approve or disapprove.' Never mind about the part that if we don't do it -- it becomes law anyway. And yes, Mr. Speaker, it was supposed to be by resolution, and there was a meeting. And to the best of my knowledge, there was not one member from the Minority invited. And you don't veto -- the Governor vetoes. We can go along with something and approve or disapprove, and we can go ahead and appropriate, but we don't veto. That's not our role.

"And if you remember last week, Mr. Speaker, I took a portion of the Senate Bill that made that Act law and I took the agreement and I made 51 copies and I made it available for everybody. And I had some of the press call, and I never returned those calls because this was not for the press, and I really take exception when someone says, 'maybe those people there are not really that sincere.' I have not been, if you read the paper, in the paper because I don't return calls if it's for a reason that I believe, and I was dedicated to this, representatives. I fought against it because I cannot afford it, my constituents didn't want it, and neither do a lot of yours, but that wasn't the point. . .

At this point, the Chair interrupted and asked Representative Anderson to "confine your remarks and direct it to the Chair."

Representative Anderson continued:

"Yes, Mr. Speaker, I'm awfully sorry. I apologize for that. But I would like to say the agreement was a piece of document that could have stood on its own. I didn't care if you voted it up or down. But you had the responsibility to vote -- we all did.

This transit fee or development fund that we're drawing the money from, it has to go back to the Development Agreement, and it is in the budget. And we're not doing the responsible thing that we should and I didn't ask my colleagues to vote against the budget because a lot of good things are in this budget. The members worked hard but since you would not accept the amendment that we had, I would hope everybody votes against it and we go back into. . . called back by the Governor to a Special Session and we do it again. We're here for the people.

That's what we were elected for and if they're not happy with us, let them dump us. But you have an obligation -- you took an oath for that -- to represent those people. It just so happens that there's a lot of times I have voted against a lot of things in my district because when we voted, the overall good of the State is what went first, and that's what this thing is about. You're looking at what's good for all of the people. I don't care where you live. I don't care if your constituents tell you tomorrow -- 'I hate the transit and I wanted you to vote against it.' You're not going to be able to say I voted up or down, and I'm sorry that I did for this because you're not taking a stand and for that I'm really embarrassed. I'm embarrassed that we didn't do the amendments; I'm embarrassed that we're not willing to stay. I'm going to miss all of you when you go back to your islands and back to your homes. I don't mind staying here with this.

"Thank you very much."

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

"There's been a lot of talk about the budget, in some areas that are rather erroneous and esoteric, but members, I want to say a few words about the process of the budget, and to thank also the committee members who worked so very hard with the budget and its long process that we have, to thank the Vice Chairman, the chairmen of the respective committees who all had to bite, who were very indulgent in working with the budget, was the process that we all had to work together. We all are very well aware that there was a shortfall in revenues, from \$6.1-million down to \$1.1-million, reflecting a shortfall of approximately \$360-million in cash. There were a lot of adjustments that had to be made, adjustments that nobody wanted to do but had to be made, and we also had to look, not only at this year, we also had to look at the following biennium. A lot of the decisions that were made were not only for this year, but for the following biennium to come because, under the Council of Revenues' forecast, the shortfall is even going to be greater in the next biennium, so the decisions we made were for both years -- for this year and for next year. Considerations were given to the most critical areas -- in safety, in education, and in health.

"I think those of you that looked at the chart that we sent to you and circulated, would see that of all the dollars, a lot of it went to entitlement programs and very important programs but, nevertheless, the choice was limited. The dollars left had to be spread among the various programs. Now, it's true, there were capital improvement projects done. CIP projects are also very important -- it provides for housing for moderate income; it provides for housing for the teachers, for the elderly; it provides for school buildings -- \$90-million worth of school buildings. You need a balanced approach to this. You need capital improvement projects, you need program projects. Also, it was the decision of the Committee, as we went forth, to look at programs that will not grow in this tough time that we have now so we were looking at one-time funding only projects. A lot of capital improvement projects were done because it is one-time funding only and it will catalyze jobs. We went very scarcely into the areas of growth programs because the next few years show a downward turn and not an upward turn in dollars. In this posture we were very conservative, but we believe that the decisions that we made are not only good for this year but will be good for the years to come and we did this all without raising taxes. I think we are one of the few states in the union that have a shortfall of \$360-million and can readjust it internally with internal allocations, without raising taxes, and I think we all should be proud of that, that we can take care of the needs of this State -- the safety, the

health, the welfare needs -- without raising taxes. And for this, members, I beg your indulgence in this tough time and to consider the budget at its worth, and please vote for the budget -- it's worth it.

"Thank you very much, Mr. Speaker."

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

"Very rarely I get up to speak, but I cannot sit here leaving some remarks unchallenged, and I would like to focus my talk on just one aspect of the budget and that is education.

"You know, a lot of us have been bombarded --through mail, through fax, through telephones, to individual calls to our offices -- about shoring up our education budget and I would just like to point out, not only to us as members, but to the press corps, so everybody would know that this budget reflects a real commitment in our lower education system. If you were to bother to look at the handout that your House Finance staff had put out, you would find three areas where you have significant increases in the supplemental budget. The largest one -- social services -- we had no choice. We had no choice in coming to those numbers.

"The second one -- in lower education -- we had a choice, and I believe we can all be proud of it, both the Policy Committee and the Finance Committee, and us as members of this House because we made a choice to put our money where our mouth is.

"If you turn the page and look at our education budget, the third page on this handout, your present fiscal year budget, we had A Funds or General Funds of \$715,100,030 budgeted for lower education. Last year, already cranking into the second year of the biennium, there was an increase of \$22,247,000 over and above the \$22-million increase you will find if you look at the figures correctly, and another increase of \$14-million. That gives you a net increase over this year of \$36,420,000. If you look in the personnel column, you will also find an increase of over one thousand permanent personnel in the lower education.

"In a year, in a time of limited revenues, of austerity and of belt-tightening, I believe the results -- the numbers -- speak for a commitment into lower education. Unfortunately, as the Chairman has said before me, we wish we could have had more monies but the fact remains, when given a choice, you as members, and if I can speak for the members of the Finance Committee, we made a concerted choice to fund the lower education programs and helping human services programs -- two areas where the public said more funding was necessary.

"I just wanted to share this with you so you can hold your heads high and be proud of the budget and our commitment to lower education. The facts, the numbers, all speak for themselves, and I wish you all would take this message back home and share it with your constituents. It's very easy to give money when times are good but in a time like this, it was a pulling together, [B not only of the members of the Finance Committee, but of the staff, and a staff I believe cannot be praised enough, and their working together with the Ways and Means staff. I believe we have a budget that we can all be proud of in taking home.

"Thank you very much, Mr. Speaker."

Representative Tam then rose and stated:

"Mr. Speaker and fellow colleagues, I rise to speak in favor of the budget as listed in House Bill 2454, HD 1, SD 1, CD 1, 'A Bill for an Act Relating to the State Budget,' with reservations. My reservations are not in regards to education but on other matters.

"Before I express my comments about the budget, I wish to thank the members of the Education Committee for enduring the long, hard hours for initially proposing an education budget of thirty-four million plus dollars. I also wish to thank Representative Joe Souki, the Chairman for the Finance Committee, personally because he and I, many times, argue, but we're the best of friends and I guess he understands my position as Chairman and I understand his position as Finance Chairman. I also wish to thank all the members of the Finance Committee and all staff members of the House of Representatives working on the education budget. What we came up with is making education the number one priority in the State of Hawaii in a year when we have low revenues for State spending. I personally appreciate that very much, especially in the Year of the Family.

"There is much that is good about the final education budget as it will provide for improving the quality of our schools, and specifically, for better servicing of Hawaii's public school students. The key features provided through additional dollars include:

- (1) \$1.5-million for textbooks and equipment;
- (2) \$1.3-million to provide for 60 teachers to improve core learning;
- (3) \$1.8-million to increase the priority fund allotment for elementary school (this is in place of reducing class size ratio);
- (4) \$1-million to fund for 400 microcomputers and software for instructional needs;
- (5) \$4.6-million for special education which includes 152 teachers and 76 educational aides;
- (6) \$499,000 for vocational education services programs;
- (7) \$1.4-million for special need programs at Farrington, Molokai and Lanai complexes which amounts to \$140 per student;
- (8) \$155,000 for four new vice-principals;
- (9) Conversion of 479 temporary positions to permanent positions;
- (10) \$168,000 for additional 7.5 school registrars;
- (11) \$155,000 for twelve school clerks; and
- (12) \$81,000 for personnel to maintain the financial management system software program which entails 13 positions full-time.

"In summary, the supplemental budget for education amounted to \$14.2-million in general funds, \$22-million in federal and special funds, and \$13.1-million in CIP funding for public education, public libraries, and DAGS repair and maintenance of the schools and libraries.

"Unfortunately, various educational needs were not funded this year. But rather than crying about the losses, Mr. Speaker, I, as Chairman of the Education Committee, will work at budgeting for those items during the 1993 legislative session through a plan of action, and this is my plan of action: I will continue to work from

now with the members of the House of Representatives, parent organizations, educators, the Hawaii State Student Association, the Board of Education, Department of Education, and any others who want to work together. The tool that I will be using is one that we adopted, that is House Resolution 144, HD 1, the establishment of steps and direction to accomplish Hawaii's eight educational goals, and we adopted that this session.

"Various educational groups have expressed the desire to start working on the education budget for next session during this summer and fall. I am confident that the work we will be doing will result in getting the funds needed. A good example of what can come out of it is what the Special Education Task Force did this summer. In essence, in summary, they got everything that they wanted. Mr. Speaker and fellow colleagues, I am patient and many times I have been told I am so aggressive but I am patient.

"In recent years, the second generation of the 'post war baby boom' have provided an influx in student enrollment amounting to an additional 1,863 students in the 1990-1991 school year or a 1.1 percent increase, and 3,193 students or a 1.9 percent increase in the 1991-1992 school year, and we presently have a projected increase of 2,498 students or 1.4 percent for the 1992-1993 school year.

"Some of the programs unfunded and to be worked on are additional dollars for current services which means supplies and equipment; and, of course, my favorite -- I thank you very much, Mr. Speaker, for your support on this -- to fully fund our repair and maintenance cycle system which we initiated five years ago, meaning fair treatment for all schools -- 263 or so schools -- and politics would not be involved as much as possible. Hopefully, next year, we can provide them with about \$2-million in additional to keep up that system.

"My reservation, Mr. Speaker, to this budget is in reference to two items that are controversial issues and being funded:

- (1) \$28-million for construction of twin towers at the previous Kapiolani Community College. There is a loud objection from the general public to building the twin towers on land that has a long history of desired use for educational purposes; and
- (2) \$50-million for the development of the mass transit system. It is very loud and clear in my community that funding education is more of a priority than spending dollars on concrete pillars. I am talking about the residents in Liliha, Puunui, Nuuanu, Pacific Heights, Pauoa and Papakolea. They have strongly expressed that they do not want to fund the mass transit system or otherwise known as the fixed guideway system.

"Mr. Speaker, I am just trying to be consistent in my vote of 1990 when I voted against it.

"In closing, the \$79-million can be used to fund the items previously not funded for education, and I thank you very much."

GOVERNOR'S MESSAGE

Gov. Msg. No. 95, providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, was read by the Clerk and was placed on file:

"STATE OF HAWAII

EXECUTIVE CHAMBERS
HONOLULU

April 30, 1992

The Honorable Daniel J. Kihano
Speaker of the House of Representatives
The Sixteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

"EXECUTIVE ORDER

"WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor"; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 2:00 a.m. April 30, 1992.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 30th day of April, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III
Attorney General"

Representative Tatibouet then rose and stated:

"I stand briefly on several items regarding the bill before us.

"First of all, I, too, would like to thank Chairman Souki and his Committee who put in long hours that were not like the hours we're spending tonight on the bill, and

those of us who are not on the Committee appreciate their efforts on all of our behalf.

"Secondly, I would like to respond and respectfully submit to the Chairman of the Transportation Committee, Mr. Speaker, that in his remarks, he expressed mystification that only one bill contradicting the concept of the fixed rail transit system is specifically the Transit Development Agreement was introduced. That may have been true inasmuch as only one bill was introduced in that particular name to deal with the situation but there were at least three, and perhaps four, bills this session that were introduced to deal with the situation from a different point of view and that was to rescind the one-half percent general excise tax, the enabling tax, on the mass transit system, and last session, in the 1991 session, there was at least one bill introduced to rescind that one-half percent tax so the situation was addressed but perhaps from a different perspective.

"Additionally, on the budget in general, I would like to say that I again express great reservations regarding the budget. There's many wonderful things in it; there's many excellent programs in it; there's many things that we have found needy and that we, through the help of many chairmen in Human Services, Health, Housing, et cetera, we were able to fund. But I find it unconscionable that we are spending \$50,000 on rugby when even members of the rugby team find that a boondoggle.

"In addition to that, I think it's a shame that we're providing major parking facilities at the University of Hawaii for cars when we don't have adequate dormitory facilities for humans or library facilities for books at the University of Hawaii. And I would like to say that, furthermore, building facilities for cars seem contradictory to the whole concept of mass transit which intends to end at the University and if we're trying to discourage cars to deal with our transportation problems, why are we building very expensive facilities at the cost of dormitories and books?

"Very lastly, Mr. Speaker, I have great concerns that I feel that this body at times, while well-intended, forgets who this budget really belongs to. These monies belong to the taxpayers -- this really isn't our money. It belongs to the people and we should be spending it in the best way that the people really want it to be spent.

"Thank you, Mr. Speaker."

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

"If there were such a thing as a budget line item veto, I would say the following: Any reference to Act 184 which raises taxes for the purpose of mass transit is hereby opposed unequivocally, spoken against, and directly contrary to the preamble of the supplemental budget. It says in variable capital letters: 'NO TAXES INCREASED,' and in addition to what my district feels and why they sent me here was for that same purpose.

"I also voice my strong opposition against the \$700-million people mover at the airport which is partially funded in this bill. I oppose the \$70-million Hilo courthouse which is partially funded in this bill, and the \$47-million renovation of the State Capitol which is partially funded in this bill.

"Lastly, Mr. Speaker, any other part of this budget that may be hidden such as marble tiles, more leather chairs, first-class travel, non-bid contracts, or any other political favors that may be uncovered when this budget is implemented, I hereby object to and voice my serious

reservations. Mr. Speaker, other than that, it's not a bad budget."

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

"It's clear that Representative Ward has not had the opportunity to review the budget because the courthouse is in the Judiciary budget.

"Thank you."

Representative Hirono then rose and stated:

"Mr. Speaker, I rise to speak in favor of the supplemental State budget with two very serious reservations.

"The first is regarding the \$50-million for mass transit which the House had originally taken out. Just because the Legislature in 1990 voted for this does not mean that we should continue to go down the track that's going to suck this community dry.

"Secondly, the continuation of funding for the two towers at McKinley High School. On this issue, I would like to have Representative Hagino's remarks entered into the Journal as my own.

"Thank you."

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

Representative Bainum then rose and stated:

"Mr. Speaker, I rise to speak in support of this measure with reservations, the reservations being the rapid transit monies. Having not been a member of this body in 1990, I did not have the opportunity to go on record as against this project. I think that the federal funds that are available to us can be to a far greater proportion spent for better and cheaper and more effective means of transit alternatives, and I think to sink billions of State and City monies into an outmoded rail system, which even its most ardent supporters admit would reduce automobile congestion on our streets and highways by less than one percent in the year 2005, is unwise.

"Suggesting that the appropriation not now be made for the presently-planned county rapid transit system should not be interpreted as a vote against improved public transportation. A cost effective system serving the properly chosen residential and business areas is vital to Oahu's fiscal and economic health. When the correct plan is developed and placed in front of the public, they will all recognize it and rush with their support towards it rather than fleeing from the flawed one in front of us now.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, this is a budget that reflects the uncertain economic era we now live in. It started with the Persian Gulf War and continued with the recession on the mainland that caused millions to lose their jobs.

"The economic malaise caused by these two events caused the U.S. economy to stall. Hawaii avoided this slowdown for several months, but the ripples have finally reached our shores. The growth of tourism, especially on the neighbor islands, declined sharply during the first half of the year; construction leveled off; and investments

dropped. As a result, State revenues have come up short of projections.

"Given this state of affairs, the budget was crafted by its conferees to maintain the welfare of Hawaii's residents.

"Some programs fared better than others. For example, the University of Hawaii, for its fiscal year 1993, had its budget lowered by \$8.4-million in general funds. The University sacrificed a significant portion of its budget so that programs within the State could be funded.

"Despite taking budget reductions, the University had many bright spots. These included the continuation of such programs as faculty housing and moving into the next phase of the Hamilton Library renovation.

"The State's supplemental budget for 1992 also provided an additional \$68-million for social services, more than \$14-million for our schools and \$13-million for the area of health.

"Given the tough economic times we live in, these are accomplishments we can be satisfied with.

"However, we should now be looking toward the future. I certainly hope, as we all do, that the economy makes a strong recovery so that we may once again enjoy the benefits and growth we had been accustomed to during the past decade.

"I urge my colleagues to support the measure.

"Thank you."

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

"In my years as a legislator, Mr. Speaker, I can firmly say that the last two years as Vice Chairman of the Finance Committee has taught me more than all my previous years combined. The supplemental budget which you have before you speaks for itself. I'm not going to stand here this morning to tell you that we met all the needs or we have satisfied all the people, but I can tell you this, that the Finance Committee, along with the staff, did do their work as far as putting the results. I think all of us here can be proud that, yes, we did put our blood, sweat, and tears into this budget and it was done by many individuals who are not on this floor this evening also -- the staff of the Finance Committee, along with the subject matter committees' staff.

"Mr. Speaker, when I became Vice Chairman of the Finance Committee two years ago, I was confident that my knowledge of facts and figures would be sufficient for my new responsibilities for you see, I was trained well by an individual who I think the oldtimers here would know -- Mr. Nils Ueki -- who has just passed away, who taught me about the nuts and bolts of the State budget. What I failed to realize was that a budget is more than facts and figures. It is a combination of tolerance, compassion, foresight, and understanding. It requires also patience. It requires all of those inner qualities that all of you here have within you, that I had to pull it out within myself in working with the different groups and individuals and fellow colleagues.

"And last, I had a very good teacher, Mr. Speaker, through it all -- Chairman Souki -- a man who, over these two years, has gained my respect and admiration. Peoples' impressions appear to be that the House Finance Committee Chair enjoys a lot of limelight, power, publicity and fanfare, and you're all correct as far as how the press perceives it, and that's true to a certain extent.

But I was very fortunate, along with Representative Anderson, to be able to observe Chairman Souki in another light -- a person who had many lonely evenings, a person who had to eat by himself, sitting alone in his office, talking with his staff, and trying his very best to balance the budget so that people and programs would not get hurt. I tell you plainly that it is a lonely position, Mr. Speaker, and I'll say it again ... I've been very proud to serve as Chairman Souki's Vice Chair, and I'm very proud to have worked with Representative Alcon, Representative Anderson, Representative Baker, Representative Chang, Representative Duldulao, Representative Marshall Ige, Representative Kanoho, Representative Kawakami, Representative Marumoto, Representative Tajiri and Representative Yonamine, and all of you.

"Thank you very much."

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

"Mr. Speaker, I want to acknowledge the very hard work of the Finance Committee as well as the staff. Like others, I, too, have some concerns about various parts of the budget. However, on balance, it is a good budget and that is why I must vote for it.

"Thank you."

Representative Lee then rose and requested that his remarks, in support of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Lee's remarks are as follows:

"I accept and support the budget because I accept and support the work of my colleagues, particularly Chairman Joe Souki on our side and Chairman Yamasaki on the Senate side.

"I am particularly relieved that the \$50-million which was appropriated and voted upon last year remains in the transit fund. We have lived up to the commitment which we, in the House and the Senate, and the Governor as well, made in 1990 when the mass transit project was adopted in Acts 183 and 184, including the State's share of the funding.

"It is inaccurate to say that we have had no opportunity to vote on the \$50-million or on mass transit. The Legislature voted in favor of mass transit in 1990. That vote followed several years of hearings, lectures and debate. Then last year we appropriated the \$50-million and now we have reaffirmed our commitment.

"The case for mass transit was made vividly by last year's reapportionment which collapsed four districts in urban Honolulu, transferred one to Waipahu and another to Mililani, one to Kauai and another to Maui.

"The population is moving to Ewa and Central Oahu, and the increase is expected to number 120,000 by the next reapportionment in 2001. In other words, urban Honolulu, and even Windward Oahu, will lose more seats in the next round.

"The people in Ewa and Central Oahu are in favor of mass transit. It will tie the city together from Ewa to Hawaii Kai. Honolulu is longitudinal, aptly configured for a trunk line from West to East.

"Now is the time to build mass transit before further development in Ewa makes land congested and costly.

"I, therefore, cast my vote in favor of the budget."

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

Representative Arakaki's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 2454, HD 1, SD 1, CD 1.

"During Third Reading on Senate Bills, I expressed my reservation on Senate Bill 2888, because of the amendments made by our Finance Committee to place caps on AFDC and GA cost of living allowances and eligibility standards. I was critical of the Department of Human Services for proposing the amendment and disappointed with the Finance Chair for accepting it after it was rejected by the subject matter committee. I was down on myself for having to support a measure that would have, for the sake of economy, hurt so many needy families in this, The Year of the Family. I hoped and prayed that the measure would not reach Final Reading.

"Mr. Speaker, we are vindicated, and I thank the Finance and Ways and Means Conference Committee for providing the increases in the budget, especially for families with dependent children, or the AFDC Program. An additional \$15-million in the supplemental budget will also draw \$8.2-million in federal matching funds to meet the demands for families needing our assistance. My faith in our ability to respond with compassion and concern for the increasing numbers of children who are growing up in poverty in Hawaii has been restored. We can continue to provide assistance to the working poor, the disabled, and many single parents with family supports such as quality child care, health care, adequate nutrition and shelter. It is my belief, and hopefully those of my colleagues, that we must assure that all of Hawaii's children are provided with basic resources in order to maximize their opportunities to be productive citizens. It is not just a matter of compassion or sympathy, because the needs of a child sacrificed today will equal the loss of a thousand tomorrows.

"Our Finance Committee Chair has provided a footnote along with this budget item, that this budget allocation, like the Medicaid funding we passed earlier, are only stopgap measures. They are short-term responses that signal a need to look for long-term solutions if we are to avoid continuing deficits in those programs. Growing demands and shrinking resources which are projected for the near future means we'll be faced with tough decisions for next session that will further test our resolve to meet people's needs. We must charge the Department of Human Services and the Department of Health, as well as call on providers and advocates, to collaborate on a plan that will provide us with a handle on rising costs, yet keep in place the important family supports and safety nets.

"Mr. Speaker, I believe we have sent a clear message this session -- that even in the face of limited resources, we will not abandon our families and children. That people's needs are, and will always be, a foremost concern of Hawaii's Legislature.

"Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 2454, 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 48 ayes to 3 noes, with Representatives Anderson and Hagino and M. Ige voting no.

The Chair directed the Clerk to note that H.B. No. 2454 had passed Final Reading at 2:05 o'clock a.m.

At 2:06 o'clock a.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:41 o'clock a.m.

GOVERNOR'S MESSAGE

Gov. Msg. No. 96, providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, was read by the Clerk and was placed on file:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

April 30, 1992

The Honorable Daniel J. Kihano
Speaker of the House of Representatives
The Sixteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

"EXECUTIVE ORDER

"WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor"; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 3:00 a.m. April 30, 1992.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 30th day of April, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III
Attorney General"

At 2:43 o'clock a.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:45 o'clock a.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 149 and H.B. No. 2705, HD 2, SD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2705, HD 2, 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, stating:

"I think we have a fair bill and I'd like to thank the Finance Chairman, the Vice Chairman, the members of the Committee and staff, but most especially, I would like to thank the members of the Judiciary Committee, commencing with my own Vice Chair who served loyally as a second-in-command of the Committee these last two years, and to all the members for their participation in all the deliberations, including the measure before us, over the course of the last two sessions. I am proud of the work that the Committee has done, and I thank the members of the House for helping us pass some landmark legislation these past two years."

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

"This supplemental budget is not a huge one in comparison to perhaps the Executive budget but needed nonetheless, and we appreciate the work of the Finance Committee and I echo the comments of my Chair. Beyond this, I would like to note that I do appreciate having served as Vice Chair to this particular chairman. Those of us who served together on the Judiciary Committee know that it is indeed a challenge to serve on this Committee under this chairman. We know also, however, that he is a chairman that is very fair and certainly generous in his willingness to teach us how to be better members. I personally do want to acknowledge the sensitivity, the good nature, and good humor of this man, and I personally see him as a wonderful mentor for myself, and I appreciate working with him these past two years.

"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. 2705, 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 51 ayes.

Conf. Com. Rep. No. 147 and H.B. No. 3184, 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. 3184, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPLEMENTAL BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2705 and 3184 had passed Final Reading at 2:49 o'clock a.m.

Conf. Com. Rep. No. 117 and H.B. No. 3119, 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. 3119, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF PUBLIC SAFETY FUNCTIONS AND EMPLOYEES FROM VARIOUS DEPARTMENTS TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 120 and H.B. No. 2911, 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. 2911, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE LOW-INTEREST LOANS FOR SELF-HELP HOME CONSTRUCTION ON THE ISLAND OF HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 123 and H.B. No. 2614, 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. 2614, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF SUPPORT SERVICES PROVIDED TO VICTIMS OF DOMESTIC VIOLENCE AND FOR THE CREATION OF VICTIM SUPPORT MODELS IN EACH OF THE COUNTIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3119, 2911 and 2614 had passed Final Reading at 2:51 o'clock a.m.

At 2:52 o'clock a.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:59 o'clock a.m.

Conf. Com. Rep. No. 124 and H.B. No. 2431, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2431, HD 2, SD 2, 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:

"You know you've heard other floor speeches that I have given on this particular bill but I just briefly want to say that, again, my grandparents were among that first group of immigrants that came in 1903, and as I looked back there, I thought I saw Barbara Kim standing back there, and if I remember correctly, her grandparents were among that group, as were Janice Kim's and Karen Ahn's and our Supreme Court Justice Moon's grandparents were among that first group of immigrants also. So, this is a very special celebration for us -- the 90th anniversary of the Koreans' arrival in Hawaii. There are only a few of that generation that are still with us, including a Mrs. Chung from Wahiawa, who was an infant at that time and will be celebrating her 90th birthday in August. There just aren't many left from that original group.

"I thank all of you and especially to Representative D. Ige and Senator Eloise Tungpalan and their committees for graciously welcoming members of the Korean community and others who came forward to testify for this bill. They were led by Ducky Murabayashi who also led the charge of providing the late-night snack for all of us in the Caucus Room.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2431, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2431 had passed Final Reading at 3:02 o'clock a.m.

Conf. Com. Rep. No. 90 and S.B. No. 3247, 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. 3247, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 92 and S.B. No. 2758, 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. 2758, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 94 and S.B. No. 2288, 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. 2288, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A STATEWIDE BLOOD AND SALIVA TESTING PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 97 and S.B. No. 2964, 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. 2964, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3247, 2758, 2288 and 2964 had passed Final Reading at 3:03 o'clock a.m.

Conf. Com. Rep. No. 98 and S.B. No. 3004, 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. 3004, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REMOVAL OF HAZARDOUS MATERIALS FROM PUBLIC SCHOOLS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 99 and S.B. No. 3398, 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. 3398, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ACTIVITIES TO INCREASE THE TRANSFER OF INTERNATIONAL TECHNOLOGIES AND BUSINESSES TO HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 100 and S.B. No. 1419, 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. 1419, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY RESPONSE TRAUMA PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3004, 3398 and 1419 had passed Final Reading at 3:04 o'clock a.m.

Conf. Com. Rep. No. 108 and H.B. No. 2366, 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. 2366, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 112 and H.B. No. 3982, 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. 3982, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIAMOND HEAD," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 113 and H.B. No. 2959, 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. 2959, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MARINE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2366, 3982 and 2959 had passed Final Reading at 3:05 o'clock a.m.

Conf. Com. Rep. No. 127 and H.B. No. 3002, 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. 3002, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 128 and H.B. No. 2612, 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. 2612, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A MODEL FOR THE COLLECTION OF DATA REGARDING THE VICTIMS OF HATE CRIMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 129 and H.B. No. 3353, HD 3, 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. 3353, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives D. Ige, Marumoto, Peters and Thielen voting no.

Conf. Com. Rep. No. 130 and H.B. No. 3493, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3493, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, this is one of the bills that would really reform and I thought it would be important.

"This bill makes an appropriation of \$1,888,000 for minor repairs and maintenance for individual schools.

"Mr. Speaker and colleagues, this is a milestone legislation for two important reasons:

"One, it authorizes the Department of Education to establish for the first time school-level minor repairs and maintenance accounts, not to exceed \$8,000 for each school, to be administered by each school's principal.

"Secondly, it requests the Department of Education to report on the establishment of the accounts and repairs made from each account.

"This legislation joins school-level autonomy with school-level accountability, which is the highest and best display of school/community-based management. Now, our schools have the freedom to act on their minor repairs and maintenance needs, with the Department of Accounting and General Services actually assisting schools rather than controlling them. To be sure, the Department of Education will work with DAGS to write the rules for defining 'minor repairs and maintenance' and contracting the needed services so that the safety of workers, students, and staff is not jeopardized.

"For this legislation to make sense, it has to be viewed in conjunction with another bill, Senate Bill 2253, CD 1, that calls for schools to set priorities for large-scale repair and maintenance projects and then turn the list of its projects to DAGS to be implemented.

"Thus, schools are able to address on their own minor repair and maintenance needs and, at the same time, address through DAGS their major repair and maintenance needs.

"I'm particularly pleased with the legislation that's before us today because, besides giving schools the freedom to undertake repair and maintenance projects, it integrates minor with major repair and maintenance projects.

"In closing, Mr. Speaker, I understand that we had a choice between this proposal of \$8,000 per school which amounted to \$1.8-million or the \$1.5-million for a current repair and maintenance system. Hopefully, next year, we will have enough money to make this package a complete package.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3493, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF SCHOOLS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 132 and H.B. No. 2400, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2400, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

Representative Cachola's remarks are as follows:

"I rise to state my reservations on House Bill 2400, HD 2, SD 2, CD 1, relating to mortgage insurance.

"This bill would establish a residential mortgage insurance underwriting program in the Housing Finance and Development Corporation to insure mortgage loans made for multi-family rental housing.

"My main reservations are on two major points in the bill. On page 4 of the bill, in the section on insurance of mortgages, subsection (b), the State's liability is 'a general and moral obligation of the State, and the full faith and credit of the State is pledged toward the payment of such obligation.'

"To my knowledge, this is the first time the State has committed its complete backing to a private corporation. This may expose the State, as guarantor, to liability for \$50-million.

"Secondly, on page 8, in the section on default by the mortgagor and subsequent action, subsection (a), the bill provides that in case of default by the borrower, HFDC may authorize payments for a temporary period for delinquent payments. In the private sector, financial institutions do not advance payments to cover delinquent payments -- they demand that the loan be updated, or they foreclose on the property to avoid further loss.

"In the past, we had set up programs like the Physicians' Indemnity Fund and the Thrift Guaranty Corporation, which folded and cost the State millions of dollars. The State government does not have a good track record for ventures similar to the one in this measure. I offer you my warning: This program needs careful supervision by the director and the Legislature to avoid a repetition of previous failures.

"Thank you for this opportunity to share my reservations on this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2400, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 134 and H.B. No. 3658, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 3658, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Horita rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Horita's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 3658, SD 2, CD 1. The intention of this bill is to fully involve the veterans of Vietnam and Korea, and the people of Hawaii, in the process of selecting a memorial for their friends and relatives who died in those bloody conflicts.

"This bill was drafted after input was received from numerous veterans who wanted to be involved and to be heard. I sympathize with their desire to have an appropriate memorial erected that will serve many purposes.

"First, it will serve as a permanent shrine to seven hundred of Hawaii's sons and daughters who perished during those wars.

"Second, the memorial will serve as a place for residents and visitors to deeply contemplate the lessons learned from those conflicts.

"And finally, and certainly not least, the memorial will serve as a physical symbol of healing for not only the State, but for all those who travel from around the world to view it.

"A great deal of effort went into drafting this bill and all those involved should be commended. I urge you, my

colleagues, to vote in favor of this bill. It will allow us all -- veterans and residents -- to memorialize those who lost their lives for their country."

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

"Mr. Speaker, I was a translator/interpreter for the U.S. Army in Saigon. My job was to brief incoming MAC-V personnel in culture, ideology, and the condition of the war. My job tonight, hopefully, is not as dangerous but to be as equally convincing to translate some of the feelings of the veterans for the successful completion of this memorial, first, Mr. Speaker, I'd like to hopefully dispel the myth that because it's of the veterans, it's necessarily divisive. There has been a slight disagreement in some areas and the design will be reconsidered but if I polled all of you on where you were when the war was on, how many would say, 'I was for the war?' How many would say, 'I was against the war?' There wouldn't be anything unanimous. And the war memorial to the Vietnam veterans in Washington, D.C., as you know, also had some controversy before its completion, and a very successful completion, that came out of that divisiveness or perceived divisiveness.

"Secondly, Mr. Speaker, there is the reminder that this bill correctly keeps the memorial on the Capitol lawn and it will be very discreet. It will be very conducive to the trees and the limited space that it's going to be on. It will be an asset, not a distraction. And I must add, Mr. Speaker, one of the most dangerous things that those of us who were in Vietnam and those of us who were in that arena -- what we feared most was the fukit, that was the ambush and, frankly Mr. Speaker, because of what this body did previously in some of its actions, taking the memorial off the lawn, there are some Vietnam veterans who fear that there's going to be a further ambush after the successful, hopefully successful, passage of this bill this evening. I've said all that to say this: Even if you're against the war, please don't be against this bill.

"I ask all of you -- please help heal the wounds of the Vietnam veterans of Hawaii. Some of them may have no more honor than what that is on the Capitol lawn. Please pass the bill, and please keep your word after you pass it. Please don't fukit or ambush it after we pass it.

"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. 3658, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS WAR MEMORIALS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3002, 2612, 3353, 3493, 2400 and 3658 had passed Final Reading at 3:13 o'clock a.m.

Conf. Com. Rep. No. 136 and H.B. No. 2320, 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. 2320, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTES," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 138 and H.B. No. 3134, 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. 3134, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EMERGENCY RESPONSE," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 140 and H.B. No. 2571, HD 2, SD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and H.B. No. 2571, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

"Mr. Speaker, this bill is the beginning of a revamp of how the State does business -- how it's going to look at awarding contracts, how it's going to look at evaluating contracts. One of the policies as set forth is to promote economic efficiency and effectiveness, and the procurement of property, services, and construction. Too often, we have been severely criticized for how the State does business and much of that criticism is justly centered.

"This bill is going to be the first step, along with the implementation of Section 2 in 1993, of how we're going to totally re-evaluate and re-implement how we proceed. It's going to close some of those loopholes that deal with these large non-bid contracts. Currently, areas that do not require competitive bidding such as architectural contracts, engineering, professional and consultant contracts, et cetera -- these will all be required to go out to competitive bid.

"The bill re-examines the levels of our bidding. Our current levels at minimum bids of \$4,000 or under to where they don't have to go out to bid -- those levels were established in the mid-1970s and are totally inadequate. Your levels here have changed in this bill to a minimum of \$15,000. This will enable a lot of very small projects which are the types of projects that can be done very quickly but yet the way our current process is established, what happens is sometimes, as we go out to look at letting bids, the process by which we examine how we're going to do them cost more than what the actual bid does. So there's going to be a lot of streamlining in this particular measure as it is enacted.

"Now to be sure, as bills of this magnitude are enacted, there's going to be some bumpy roads but I think, as we go through and implement the various facets of this, I think that we're going to find a far better procurement and bidding system, so I would wish that all of my colleagues would join in support of this measure.

"Thank you very much."

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

"I don't feel comfortable speaking against the bill because I have a neighbor -- a fellow colleague -- who I know has worked very hard on this bill, and I commend Representative Bellinger for all of his hard work. But I must speak against the bill because I feel that, in weighing the pluses and minuses, there are many problems with this bill that must be addressed.

"The purpose of this bill is to amend the State public contracts law by increasing the threshold level at which public contracts are subject to follow bidding requirements, and adjusting the requirements of informal

bids and for performance bonds. Furthermore, this bill seeks to promote efficiency and effectiveness, and procurement of property and services, and the construction of government by promoting full competition to eliminate unnecessary administrative requirements placed on bidders, contractors and other procurement officials.

"Mr. Speaker, on the procurement side, my fellow colleague has pointed out there are so many pluses -- a lot of pluses -- in this bill, provisions of which are helpful in clearly defining a number of processes that occur within the procurement process such as small purchases, emergency purchases, competitive bidding, and competitive proposals. However, Mr. Speaker, there are some concerns about the non-model code provisions that will severely impact on the procurement process. Most importantly, I direct you to the penalty provisions in the bill -- on page 23, section 103-W1. It says that 'Any person who violates this chapter shall be fined not more than \$1,000, or imprisoned not more than one year, or both.' In addition, 'Notwithstanding any law to the contrary...' it states further, '...damages arising out of misfeasance, malfeasance, or other intentional violation of this chapter or penalties imposed under other chapters pertaining to procurement shall be personal to the violator. . .'

"Now, Mr. Speaker, as I read this bill, it affects all . . . all government employees, acting in good faith in trying to process any kind of contract or purchase in the bidding process. A person -- just a clerk, secretary, a person handling procurement contracts -- if he makes a mistake in government and the unsuccessful bidder complains and shows that there was a mistake, how small it may be, he can be sent to jail. He can have his personal assets attached. There's more than just acting in the face on the guise of government. I don't think there is any law in the books at this time, Mr. Speaker, in our great State of Hawaii, holding government officials, holding government employees, to such a high level of personal liability if they make a mistake. I don't know who's going to want to execute such contracts then.

"It also talks about notice that has to be given to the Legislature before or after a sole source exemption is given or the awarding of the contract. The notice has to contain a statement by that government employee involved in the purchasing process that the project costs will be fair and reasonable. This means that when you couple that requirement with the personal liability on the simple mistakes, ask yourself -- how many government officials will be willing to sign off on any certification? He's going to want to protect himself, and rightfully so, for his family, for himself, and do extensive. . . extensive time-consuming, maybe tedious, investigations. Let me make this clear.

"I wish that I could agree with my fellow colleague to say that this is just the first step. Unfortunately, I think it goes beyond just the first step. It is not my intention to stifle government efficiency, it is not my intention to stifle improving our procurement processes, and as I stated, there are many good points in this bill. This bill will apply to all three branches of government, including us, and that's fine. If the bill, in my estimation, was correct, as a Legislature we do contracts too. Would we allow simple mistakes to subject each of us or to Leadership for such simple mistakes in procurement contracts to personal liability? Is that what we really want out of this bill? Do we want to assume that employees are bad if they make mistakes? I look at this bill and I got to be very frank with you, Mr. Speaker, it's a very confusing bill and lots of verbiage in it, and I know most of the good part of it is good. It's just the parts that I've discussed that I have a lot of problems with.

"You know, we have a bill now -- Senate Bill 3116 -- which calls for the Auditor to develop a study to provide information and recommendations to the LRB to draft proposed legislation to enact a comprehensive procurement policy for this State to be called the Hawaii Procurement Code. Where's that study? What are we doing? This bill goes far beyond the first step.

"I bring one more point. We deal with POS's all the time. I know I do as Human Services Chair. What about POS's? What if, for example, a provider is damaged for some reason because the State takes too long, for no reason that is justifiable, but it takes too long to execute a contract with a POS provider. The query is whether the provider has a personal liability action or an action against the State employees who were involved. We don't know that. That's the procurement contract -- services.

"So I say, I think there's a lot of good things in this bill but for the reasons that I've stated, I must, in good faith, at this time until more study is done, until we know exactly where our liability stands from the clerk up to the directors, to personnel -- where the liability lies.

"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. 2571, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Alcon, Bunda, Chang, Chun, Duldulao, Fukunaga, Horita, M. Ige, Okamura, Say, Souki, Tom and Yonamine voting no.

The Chair directed the Clerk to note that H.B. Nos. 2320, 3134 and 2571 had passed Final Reading at 3:27 o'clock a.m.

Conf. Com. Rep. No. 150 and H.B. No. 3974, HD 1, SD 1, CD 1, and

Conf. Com. Rep. No. 161 and S.B. No. 2361, SD 2, HD 1, CD 1:

Representative Arakaki moved that the reports of the Committee be adopted and H.B. No. 3974, HD 1, SD 1, CD 1, and S.B. No. 2361, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Hirono rose and stated:

"Mr. Speaker, I rise to speak in favor of both of these no-fault bills.

"As legislators, we are all challenged to do the best we can on issues of great complexity. As to these two no-fault bills, I think I can honestly say that they represent two of the greatest challenges that I have faced as a legislator. To balance the competing interest, while steering a course to achieve premium reduction and at the same time maintaining sufficient benefits for consumers, was indeed a challenge. I think the word 'fair' can be applied to these bills which make major changes to our no-fault law.

"The House position on no-fault has always been to make sure that the consumers get a fair deal. Some people believe that the purpose of the no-fault law is to keep 90 percent of claims out of court. I want to emphasize that that is not the main purpose of our no-fault law. The main purpose is to make sure that when people get into auto accidents, their injuries and wage

losses will be covered without regard to fault. The trade-off for this automatic protection was that only the most seriously injured -- the 10 percent -- would be able to file a lawsuit. This session has seen the culmination of the insurance industry's campaign for verbal thresholds. They have been unwavering in their position. But verbal threshold does not tie to keeping a percentage of claims out of court as envisioned by our no-fault law. Make no mistake -- verbal threshold will hurt consumers to a far greater extent than the industry is willing to acknowledge because it is unfair and ambiguous. The House has stood firm in its position that the original goal of allowing 10 percent of the seriously injured people to sue is the right and fair thing to do. House members can be proud that we stood firmly on the side of the consumers on this issue as well as the other provisions of these bills.

"The provisions of these bills are rather technical and complicated but let me go over just a few of them.

"One of the major provisions is that there will be a freeze on rates, effective immediately upon enactment of this bill. Another is an across-the-board rate reduction of 15 percent, starting January 1, 1993. The only way that insurance companies will be able to escape the roll-back and freeze is if they are in imminent danger of insolvency.

"Another major provision is the reinstatement of a 10 percent medical rehabilitation threshold starting at \$10,000 on December 1, 1992. This means that an injured person, after that date, will have to meet this threshold before being able to file a lawsuit. This 10 percent threshold is intended to keep 90 percent of the claims out of the courts. This threshold is also tied to the implementation of a medical fee and frequency in guideline schedules generally following the workers' compensation provisions. These medical cost containment provisions will stabilize the insurance rates and keep people from abusing the 10 percent threshold by racking up medical bills.

"Also importantly, this bill contains an amnesty period for uninsured motorists in which people without no-fault insurance will be given until December 31, 1992, to buy no-fault insurance without being surcharged. Hopefully, this will be one step in addressing the uninsured motorist problem.

"There are also prohibitions on collusion between attorneys and health care providers. I think we all know that that is one of the abuses that we have been told about in the current no-fault system.

"Another major provision -- I know I said that I would just mention a few, but there are so many major provisions to these bills -- is the elimination of stacking of uninsured and underinsured motorists' benefits. Stacking is a court-made remedy to address recovery by injured persons in the most serious of accidents. The trade-off for elimination of stacking is to require insurance companies to offer higher optional uninsured and underinsured motorists' coverages. We also require prior approval of insurance rates. Right now, all insurance companies have to do is file their rate increases and use them thirty days later. Prior approval means that the companies must now submit their rates and bear the burden of showing that the rate increases are reasonable.

"These bills also contain other provisions which provide consumers with more options and more information through disclosures. Working together, these provisions, we believe, will stabilize the insurance premium rates.

"I would like to acknowledge the help that I received from Majority Leader Brian Taniguchi who wore his legs

out, running up and down the stairs for 4-1/2 hours, to get us over the last hurdles in finalizing these bills. I'd also like to acknowledge the help of my Conference Committee Co-Chair, Representative Wayne Metcalf, who only had to run up and down the stairs for the last two hours.

"It was an exciting evening all around. As you know, we decked this bill at ten to midnight. I'd like to thank all of the other people who gave their time, blood, sweat and tears to come up with these landmark changes to the no-fault law. And, of course, I would like to acknowledge Senator Ikeda for her part in all of this.

"Thank you."

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

"In 1973, Mr. Speaker, the first year that I went to work as staff at the State Legislature, the Senate and House Judiciary Committees and subsequently the larger bodies of the Seventh Legislature found it in their wisdom to enact Hawaii's No-Fault Law. It was an attempt to provide consumers with a fair and effective means of receiving compensation for losses arising from motor vehicle accidents. The No-Fault Law of 1973 was seen as a hallmark in Hawaii's history -- for it radically changed our lives. It was believed that the No-Fault Law would forever protect Hawaii's citizens from financial ruin or lengthy and costly courtroom battles. It was seen as an equitable way of enhancing the quality of life in our State.

"However, Mr. Speaker, we live in constantly changing times. The rising cost of living, the increased number of drivers on the road, and the complexity of life have all significantly altered the foundations upon which the legislators in 1973 first based the No-Fault Law.

"Mr. Speaker and fellow colleagues, there has been a call for insurance reform, and we have before us today measures that will provide needed relief to the people of Hawaii; namely House Bill 3974 and its companion measure, Senate Bill 2361.

"Over the course of this legislative session, your Committees have struggled with the task of developing reforms that not only protect the public from the devastating impacts of motor vehicle accidents, but also provide equity among the insurance industry, Hawaii's legal community, local businesses, and most importantly, the general public. And, Mr. Speaker, I believe that these bills before us will do just that.

"In addition, Mr. Speaker, I would also like to commend and applaud especially Representative Hirono who took the lead throughout this session on this issue and did, not merely a commendable job, but an excellent job, and a job that each and every one of us in the House can be proud of. And also, as Representative Hirono mentioned, our Majority Leader, Representative Brian Taniguchi now known as 'Wee Willie Winkie', for his ability to run upstairs and downstairs in late hours of the evening. And actually I should not make light of that, Mr. Speaker, because, in point of fact, it was through Representative Taniguchi's efforts that the last critical hurdles, as referenced by Representative Hirono, were surmounted and the two bills were finally decked. And I think that their contributions in this endeavor again were critical to the development of what I feel is a truly equitable, effective, and necessary package of measures.

"As stated by Representative Hirono, I, too, would urge members of this body to vote affirmatively on these measures.

"Thank you."

Representative Thielen then rose and stated:

"As the Minority member of the Conference Committee, I would like to also thank Chair Hirono for her thoughtful, insightful, and dedicated work to amending the No-Fault Law to help the consumer. Always first was her goal of helping the consumer in our State and she stood true to those goals, and I deeply appreciate that, and I appreciate the privilege of serving on her Committee. I learned a lot from her and learned a lot about her style of leadership which I think is an example for all of us, and I do thank her.

"Thank you, Mr. Speaker."

Representative Baker then rose to speak in favor of the bills, stating:

"I think they are indeed landmark legislation because if you'd ask anyone at the beginning of the session, they would have said, 'It simply cannot be done,' because the conventional wisdom was that the persons who were calling the shots on these measures simply couldn't get together. I think these measures are a tribute, not only to legislators who are very committed and very dedicated to the complicated issues that we face -- unfortunately, most of the issues that come before us are not easy -- but it is also a tribute to the energy and hard work of people of goodwill and who care about what happens in this State to all of our residents that when those factors are uppermost, good, decent, comprehensive legislation is the result.

"I would like to take this opportunity to commend the Chair of the Consumer Protection and Commerce Committee, as well as the Senate Chair of the similar Committee. They have done an excellent job along with all of the others that assisted them. On behalf of my constituents, thank you very much for all your hard work for all of us."

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

"This is a very important bill ... I think one of the cornerstones of this Legislature. It's something that we need for the people of Hawaii because it is a reduction and something that eats away at all of our pocketbooks, and that is the cost of living. After going through the countless presentations and briefings and hours of discussions, I've learned to appreciate the complexity of this issue.

"I would like to commend the tireless efforts of the Chairperson and the dedication to coming up with a fair solution in the face of many competing interests. Thank you, Representative Hirono, for the challenges and education of being Vice Chair to one of the most. . . who I consider to be the most capable of chairman.

"Thank you."

Representative Horita then rose and requested that Representative Baker's remarks be entered into the Journal as her own, and the Chair "so ordered." (By reference only)

Representative Lee then rose and requested that his remarks, in support of the two bills concerning automobile insurance reform -- House Bill No. 3974 and Senate Bill No. 2361 -- be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Lee's remarks are as follows:

"On other occasions, I have quoted approvingly of editorial comments from the two dailies. To be objective, I wish to call attention to an **Advertiser** editorial on March 23, headlined, 'Auto insurance reform bills on shaky ground.'

"The editorial advises us, 'The Legislature should heed the yellow light and hold back pending measures for further study.' Further study?"

"I congratulate the Chair of the House Committee on Consumer Protection and Commerce and her counterpart in the Senate for taking action and concluding two important pieces of legislation."

The motion was put by the Chair and carried, and the reports of the Committee were adopted and **H.B. No. 3974, HD 1, SD 1, CD 1**, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes, and **S.B. No. 2361, SD 2, HD 1, CD 1**, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3974 and S.B. No. 2361 had passed Final Reading at 3:41 o'clock a.m.

Conf. Com. Rep. No. 145 and H.B. No. 521, 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. 521, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 148 and H.B. No. 736, 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. 736, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 152 and S.B. No. 2997, SD 1, HD 1, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2997, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Santiago 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 Santiago's remarks are as follows:

"Mr. Speaker, you may remember the devastating floods that hit the North Shore Kahuku area last year. The damages are still evident and we are now working to avoid a repeat of that occurrence.

"This bill is a very important step forward as it will begin the process of planning for the necessary steps needed to alleviate the flood conditions that exist in the area.

"Along with the funding and other commitments expected from the federal government, State funds to complete this project will need to be further appropriated in the future.

"I look forward to our continued efforts, and thank the Chairman of Finance and the members of his Committee for having the courage and foresight to pass this bill.

"I encourage all of my colleagues to support this bill.

"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. 2997, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPLEMENTATION OF THE KAHUKU FLOOD RELIEF MASTER PLAN," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 521, 736 and 2997 had passed Final Reading at 3:43 o'clock a.m.

Conf. Com. Rep. No. 153 and S.B. No. 2882, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2882, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Bellinger rose to speak against the bill, stating:

"Mr. Speaker, in all the years that the Convention Center Authority has been around, I have stood to speak against it, and I am going to stay consistent in my opposition to it. And the main opposition is in that overwhelming authority that, upon final approval by the Convention Center Authority, they shall have the ability to supersede all other inconsistent ordinances and rules relating to the use of zoning, planning and development of land. Basically, it is an infringement upon the home rule rights of the counties and the convention center, by its power, basically allows them to ignore all the planning and ordinances that the county has put into place.

"With the modifications in this bill where, as in the past it was focused solely in Waikiki, now with the broadening of the bill to enable the convention center sites to be expanded for possible location into the neighbor islands, it also provides the ability then to infringe upon any of the county rights in these particular matters.

"For those reasons, Mr. Speaker, I vote against this measure."

Representative Bainum then rose to speak "in strong opposition to Senate Bill No. 2882, SD 2, HD 2, CD 1," stating:

"Mr. Speaker, I find it hard to believe that this Legislature is even considering getting into the convention matter again, but if we are, I would like to put forth a couple of things for the consideration of this body. Mainly, we already have a convention center under development in the State and if that convention center does not meet the criteria that is needed, I don't think we need a Convention Center Authority to increase the size.

"In terms of the home rule issue, we have the detailed aspects of that issue outlined both in the testimony and in the letters that's been presented to the members of this body. But I would like to read briefly from our

Councilman Morgado's letter of April 28th when he says, 'The failure to include or require reasonable Council representation on these task forces are to specifically delineate a role and responsibility for Council...presume that the Council will be by-passed or merely rubber-stamp the findings and recommendations of the appropriate task forces. This is unacceptable and violates the principle of home rule.'

"To those of you on the neighbor islands who think this bill will not impact them, I would say then in the coming year it's very likely that the Authority will be back asking for the \$400,000 a year funding that they have required in the past.

"And finally, for my constituents, you must understand why we view this bill with alarm. The two convention centers that's been brought forth by government give us very little reason to be optimistic. The State brought forth the International Market Place with an unacceptable high density. The City and County has brought forth the Aloha Motors site. This again with unacceptable high density.

"I ask that this measure be defeated.

"Thank you."

Representative Morihara then rose and requested that his remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Morihara's remarks are as follows:

"I would like to speak in opposition to House Bill 2882.

"The Waikiki Task Force is a well intentioned idea but it is an idea of misplaced authority. This type of planning authority should remain with the City and County of Honolulu. For this reason, I have previously opposed and will continue to oppose this House bill.

"Although I oppose the creation of the Waikiki Task Force, I do believe we should continue to examine the possibility of a convention center. The Wailea resort area on the island of Maui has one of the largest concentration of convention facilities in the State. It would seem logical that Oahu have similar facilities available.

"Thank you for giving me the opportunity to express my opinion."

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

Representative Cachola's remarks are as follows:

"I rise to speak in favor of Senate Bill 2882, CD 1.

"The main components of the bill are the creation of a Waikiki Task Force and provisions relating to the convention center.

"The Task Force would develop a strategy for financing and implementing a master plan for Waikiki, unless the City and County of Honolulu establishes its own by September 1, 1992. This ensures that the law does not infringe on county home rule.

"In addition, the bill provides for the Convention Center Authority to:

- (1) Assist the Task Force in any matters relating to the convention center;
- (2) Examine potential convention center sites in Waikiki and the rest of the State;
- (3) Continue to exist until June 1994; and
- (4) Be authorized to issue revenue bonds, subject to legislative approval.

"There is no shortage of Waikiki master planning efforts, but the greater need is for implementation of a Waikiki district master plan. Hawaii's reliance on tourism dictates that the State's major tourism district undergo a much-needed revitalization which should include a world-class convention center. The Gulf War of 1991 clearly demonstrated to us the instability of the pleasure travel market. The business travel market did not have such a sharp drop. If it had comprised a greater share of our market, the recent war would not have affected us as drastically.

"Business travelers tend to spend more money and stay longer. Greater numbers of business travelers will reduce Hawaii's dependence on the more unstable pleasure travel market, preventing sharp ups and downs. The resulting steady growth, free from periods of uncontrolled growth and rapid decline, would allow for better planning in the future.

"Conventions bring in large numbers of these business travelers and most of Hawaii's competitors are building and expanding their convention facilities. National and international organizations, however, will not even discuss having a convention in Hawaii without an adequate convention center. Hawaii is one of the largest cities in the United States without a convention center.

"The stability of the revenue from a greater convention market in Hawaii would generate the funds for needed programs.

"I urge my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2882, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIKIKI," having been read throughout, passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Alcon, Bainum, Bellinger, Chun, Hagino, Hirono, Ihara, Isbell, Morihara, Santiago, Shon, Tam and Young voting no.

Conf. Com. Rep. No. 154 and S.B. No. 2868, 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. 2868, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FINANCING OF AFFORDABLE RENTAL HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 155 and S.B. No. 2867, 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. 2867, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 156 and S.B. No. 2485, SD 2, HD 2, CD 1:

Representative Arakaki moved that the report of the Committee be adopted and S.B. No. 2485, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Young rose and stated:

"I'm speaking in favor of both Senate Bills 2485 and 2638. I put them together because they have very similar statements in them.

"In Tuesday's **Star-Bulletin**, there was a story by Becky Ashizawa on these bills, and it was headlined: **Bill recognizes Hawaiians as equity partners**. As subject matter co-chair for the conference on this bill, I would just highlight a few ways in which this complex coupling of two public policies -- affordable housing and entitlements to native Hawaiians -- and the respective agencies involved may hopefully, and I emphasize hopefully, lead to an equitable relationship among HFDC, OHA and Hawaiian Home Lands.

"First, the bill makes clear that appraisal of public land be based on the fair market value, specifically that the appraiser look at the highest and best use of the land. We did not consider one dollar a year, or condemnation, or the current zoning of agriculture as fair, knowing that HFDC was not going to cultivate sugarcane. We all know that HFDC plans master-planned communities, that HFDC intends to build housing but also that HFDC plans to build shopping centers and golf courses on the 1,100 acres in Lahaina. So the intention is to value land where OHA and the Department of Hawaiian Home Lands are entitled to revenue at the highest and best use, meaning the most profitable, probable and legal use to which the land can be put. Legal use is to mean the reasonable, foreseeable approval of the changes to land use such as the change from agriculture to residential, commercial and industrial use.

"Second, payment to both OHA and Hawaiian Home Lands may be in the form of public lands or money. If public lands are exchanged, there must be mutual agreement, and I say that again -- there must be mutual agreement -- as to the parcel and the value of the land. No one-way decision.

"Third, both OHA and Hawaiian Home Lands will receive revenues from commercial, industrial or other non-residential use of the land.

"Fourth, the bill limits this formula for entitlements to HFDC's two projects in Lahaina and Kealahou.

"It was the intent of the Committee to ensure that an equitable work relationship be worked out so we took a cautious approach, a hopefully respectful approach and perhaps a transitional approach, towards the goal of self-determination for native Hawaiians.

"At this time, I would like to take this opportunity to thank Co-Chairs Souki and members of the House Conference Committee -- Representatives Say, Baker, Ige, Morihara and O'Kieffe, Senator Crozier -- and also to Representative David Hagino, Chair of the Water, Land Use, and Hawaiian Affairs Committee for giving me this opportunity to study this complex issue, to struggle and suffer over its intricacies, and to search for solutions. There are many other opportunities, as I served as Vice Chair of the Water, Land Use, and Hawaiian Affairs Committee. You can imagine how it is to serve with a Chair who runs around with a backpack and tennis shoes.

It certainly is a challenge, but it's been two years of a very enjoyable and never-a-dull-moment vice chairship.

"Thank you very much."

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

"I know the hour is late but I feel compelled to rise this morning and talk about it because I spoke so vehemently against it at the other crossover.

"What I need to note here is that some of the concerns that were raised about the injustices of these two measures, as they came to us before they went to conference, have actually been dealt with in the Conference Committee. Those are the points of the highest and best use of limiting the lands to Lahaina and Kealahou and what was added beyond that is the empowerment of these decision-makers toward mutual agreement.

"These provisions, I believe, would not have taken place except for the sensitivity of the House leaders, and I want to especially commend the leadership of Vice Chair Jackie Young on this measure. I believe that her sensitivity and her efforts are laudable and excellent. I note also the hard work of Representative Souki on this measure and in bringing about justice to this issue. And further, I commend the work of Hoaliku Drake in staying in this and working hard towards a good solution.

"I do, however, want to say for the record that the attitude and the conduct of the Office of Hawaiian Affairs in this issue has been deplorable, and I want that to be on the record.

"Thank you."

GOVERNOR'S MESSAGE

Gov. Msg. No. 97, providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, was read by the Clerk and was placed on file:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

April 30, 1992

The Honorable Daniel J. Kihano
Speaker of the House of Representatives
The Sixteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature.

With kindest regards,

Sincerely,

/s/ John Waihee

JOHN WAIHEE

Enclosure"

"EXECUTIVE ORDER

"WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor'; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 4:00 a.m. April 30, 1992.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 30th day of April, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price, III

WARREN PRICE, III
Attorney General"

Representative Thompson then rose and requested that the words of Representative Amaral be inserted into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Morihara then rose and stated:

"Mr. Speaker, I just wanted to commend the former 'freshperson,' Representative Jackie Young, for her leadership in this issue, and thank you for the stewardship that was provided by Representative David Hagino, Chairman of the Committee.

"Thank you."

Representative Hagino then rose to speak in favor of Senate Bills 2485 and 2638, stating:

"I realize the hour is late but I think a few words are warranted. I speak in favor of both bills and as people may recall, I voted against both bills when it passed Third Reading on the second lateral.

"Just by way of history, when these land transfers were first beginning to take place, they were basically based on a one dollar a year transfer from one department to another department. We struggled with it for a number of years -- basically three years. We went up from the dollar a year transfer to consideration of basing it on the agricultural land cost, and now the bills are before us. I think there has been a great deal of progress made and the bills, I think, are acceptable to all parties, and I think this is a bill that all of us can live with.

"I would like to commend my Vice Chair, Representative Jackie Young, for her hard work and I would like to make one last comment. In my political

career in the Legislature, I can honestly say that I've had a lot of ups and downs and probably more downs than ups, but the one good thing I think I've always been blessed with is I've always had a very good freshman representative serving as my Vice Chair. I've had Representative Peter Apo, Representative Dennis Arakaki, Representative Virginia Isbell, and this term Representative Jackie Young, and I commend all of them for tolerating me but, most of all, I commend Representative Young who, I think, probably had the hardest work of the four of them combined, and I really would like to say that she has performed tremendously well. She's a fine public servant, she has a tremendous heart for Hawaiians, and for the people who have been oppressed, and I think she deserves a great deal of appreciation from all of us and all of the people in the general public for the fine work that she has performed on these two measures.

"And again, we now have bills that I can support without any qualification, and I urge all of you to do so at this time.

"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. 2485, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 157 and S.B. No. 2638, 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. 2638, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 158 and S.B. No. 2407, 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. 2407, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MARK THE ONE HUNDREDTH ANNIVERSARY OF THE OVERTHROW OF QUEEN LILIUOKALANI AND TO DISCUSS ISSUES OF HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 160 and S.B. No. 2855, 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. 2855, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2882, 2868, 2867, 2485, 2638, 2407 and 2855 had passed Final Reading at 3:59 o'clock a.m.

At 4:00 o'clock a.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:12 o'clock a.m., the Vice Speaker assumed the rostrum.

Conf. Com. Rep. No. 159 and S.B. No. 3116, 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. 3116, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 3116 had passed Final Reading at 4:13 o'clock a.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1776-92 on S.C.R. No. 32, SD 1, HD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, the joint report of the Committees was adopted and S.C.R. No. 32, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO LEASE TO A PRIVATE DEVELOPER CERTAIN FAST AND SUBMERGED LANDS AT KAWAIHAE, HAWAII, FOR MARINA PURPOSES," was adopted.

STANDING COMMITTEE REPORTS

Representatives Hagino and Ihara, for the Committees on Water, Land Use, and Hawaiian Affairs and Intergovernmental Relations and International Affairs, presented a joint report (Stand. Com. Rep. No. 1789-92) recommending that S.C.R. No. 151, 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. 151, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO WITHDRAW ITS CONDEMNATION OF THE WAIKANE VALLEY LANDS OF HAWAIIAN FAMILIES AND FULFILL ITS LEASE AGREEMENT, AND REQUESTING THE HAWAII CONGRESSIONAL DELEGATION, THE GOVERNOR, AND THE ATTORNEY GENERAL TO HELP THE HAWAIIAN DESCENDANTS OF JOHN KAMAKA," was adopted.

Representative Hagino, for the Committee on Water, Land Use, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1790-92) recommending that S.C.R. No. 86 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. 86, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE EXISTENCE OF THE TASK FORCE TO PRESERVE WAIPIO VALLEY," was adopted.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.R. No. 338 was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 338, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF COUNTY STANDARDS REGARDING

RENTALS FOR THREE OR MORE UNRELATED PEOPLE," was adopted.

By unanimous consent, H.R. No. 294, HD 1, was taken from the Clerk's desk.

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, H.R. No. 294, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF REQUIRING ALL ATTORNEYS IN THE STATE OF HAWAII THAT ARE ENGAGED IN PRIVATE PRACTICE TO CARRY LEGAL MALPRACTICE INSURANCE," was adopted.

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 taken on April 10, 1992, in disagreeing to the amendments proposed by the Senate to House Bill 2570, HD 2 (SD 1), seconded by Representative O'Kieffe and carried.

Representative Arakaki then gave notice of intent to agree to the amendments proposed by the Senate to House Bill 2570, HD 2 (SD 1).

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2570, HD 2, SD 1, was taken from the Clerk's desk.

Representative Arakaki moved that the House agree to the amendment proposed by the Senate to H.B. No. 2570, HD 2, and H.B. No. 2570, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

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

Representative Tam's remarks are as follows:

"Mr. Speaker and colleagues, firstly, I wish to thank the members of the Education Committee and the House Conference Committee for their efforts in resolving the differences contained in House Bill 2570, which dealt with the issues of: The issuance of general obligation bonds to finance education facilities improvements, replacing the excise tax revenues from the State educational facilities improvement special fund during 1992; and increases in the current A+ program participation fee from \$23 to \$28.

"I fully support the decision to provide for funding the State educational facilities improvement special fund with the issuance of \$90-million in general obligation bonds. It is a fiscally sound and responsible action for the State to do under the current financial conditions. It makes sense to fund longer term capital improvement programs with such GO bonds, thus freeing up much needed current excise tax dollars to deal with financing the immediate operational costs of the State.

"However, I have deep concerns and reservations over the increases to the A+ program's participation fee. Although it may not seem to be an undue burden in terms of an increase to a widely appreciated and utilized program, and furthermore, it may also be warranted in light of the State's current fiscal woes, the wisdom of increasing the costs of a popular program without allowing the benefit of a public hearing may further erode the trust of the public towards its elected representatives.

"The legislative process is a game of compromise. I hope, in our wisdom towards compromise, we have furthered the public's desires and wishes. The public will judge us soon enough."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2570, HD 2, and H.B. No. 2570, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2683, 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. 2683, HD 2, and H.B. No. 2683, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION AND HEALTH," having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 3158, SD 1, was taken from the Clerk's desk.

Representative Arakaki moved that the House agree to the amendments proposed by the Senate to H.B. No. 3158, and H.B. No. 3158, SD 1, having been read throughout, pass Final Reading, seconded by Representative O'Kieffe.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, I know we're all very tired so I'll keep this short and crisp. The central points of dispute regarding this bill, in my view, are:

- (1) Would the oil companies be required to locate a minimum amount of equipment in Hawaii? In my view, definitely yes.
- (2) Does MSRC represent a unique or particularly effective capability? The answer is no.
- (3) Has MSRC already agreed to come? The answer is yes.
- (4) Have they ever said they would not come if we didn't pass this?. The answer is no.
- (5) What is the purpose of this \$850,000 tax giveaway? 'A goodwill gesture.'

"Mr. Speaker, I would like to note that this bill applies in the upcoming fiscal year, the fiscal year which we just passed the budget where we know there was a lot of austerity imposed; that is, \$850,000 that did not go to a whole variety of programs, all of which are dear to our hearts.

"In terms of accountability, there is nothing in this bill that requires reports, there's nothing that requires a task force, there's nothing that requires any oversight.

"In my view, the purpose of this bill is for a company that is already going to be here, that is well-funded, to acquire an additional tax break as it has in many other states. I do not believe we can justify this \$850,000.

"Thank you."

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

"I just want to echo the comments by Representative Shon. I just feel it's my duty as Chairman of the Committee that deals with the Oil Pollution Act. Again, just to share my thoughts on the bill, again under the Oil Pollution Act of 1990, the industry is required to be here to set up oil spill equipment. In this particular case, MSRC just said that they will come, regardless of whether they get the tax break, and I just have a problem with the way this tax exemption is being used in this case. Most times, when we use the tax laws, it's used as a 'carrot' to encourage something that benefits the State. However, in this case, we are not encouraging anything because they are already coming. Even from comments in the past from the Department of Health, they admitted that it is just 'a goodwill gesture' and it's not an enticement to bring MSRC here.

"The other thing that strikes me as odd is, you know, in an year when funds are cut for education and human services, how do we justify giving tax breaks to the richest companies in the world?"

"Just in closing, I would like to see, if there's ever a bill like this in the future, that it not be so narrow that we provide exemptions for other non-profit groups that provide environmental and human services to the State, and also for the types of beneficial equipment like medical equipment, ambulances that land at sea, rescue equipment.

"Again, just to clarify also my thoughts on the letter that was distributed on our desks. There seems to be some thought about the cost of oil being paid at the pump. MSRC is being funded by the local industry, including PRI as well as Chevron, so they already do pass that cost on at the pump.

"The other thing is, it says that MSRC's presence will be very good, but we don't know that because we haven't had the chance to look at some of the other operations to see if the other operations have better equipment or better suited for the State. We haven't had that opportunity to look at the other operations.

"In closing, I would just like to ask that members, you know, think carefully about this bill, and review the facts and try to rely on primary evidence which is the statute of the Oil Pollution Act of 1990."

"Thank you very much."

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

"Larry Price put an article in **Midweek** which was rather critical of what our Energy and Environmental Protection Committee did. I don't believe that Larry Price had the rest of the story or the whole story. They are required by federal law to be ready to clean up oil spills. I believe that the Energy and Environmental Protection Committee did its job very ably, had all of the information before it, not just pieces and puzzles, and not just a lobbyist's position before it, but we really looked into all aspects of this and for that I give our Chair of the Energy and Environmental Protection Committee a great

deal of credit, not just for this measure, but for the way in which he has protected and enhanced the environment and energy as well during this session and last year.

"My concern is again on the tax giveaway at a time when we critically need this income from this area.

"The other thing that I don't believe anyone brought out tonight is that MSRC is a non-profit entity by choice. This means that you cannot go through to the people that actually fund the non-profit entity. You can't reach through to the deep pockets so they're protecting themselves by that non-profit status, and I think that our original position in the Committee was correct. I was sorry to see the bill come back from the Senate and go just directly to Finance rather than coming back to what I feel is its real subject matter committee, and so I am casting my vote against this bill for three reasons: I don't believe they qualify for the tax exemption because they are mandated by federal law anyway to do the cleanup; I don't believe it is good policy in the way this came before us; and it's late and I forgot the third reason, Mr. Speaker."

Representative Hagino then rose and stated:

"I, too, rise to speak against the passage of House Bill 3158, SD 1. I urge all my colleagues to vote no on this bill for the reasons stated by the previous speaker and just to make it short, I think this bill is better dead than read.

"Thank you very much."

At 4:27 o'clock a.m., Representative Alcon asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:29 o'clock a.m., the Speaker resumed the rostrum.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3158, and H.B. No. 3158, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES," having been read throughout, passed Final Reading by a vote of 37 ayes to 14 noes, with Representatives Alcon, Bainum, Hagino, Hiraki, Hirono, D. Ige, Isbell, Oshiro, Santiago, Shon, Takamine, Tam, Thielen and Young voting no.

The Chair directed the Clerk to note that H.B. Nos. 2570, 2683 and 3158 had passed Final Reading at 4:32 o'clock a.m.

By unanimous consent, H.B. No. 3564, 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. 3564, HD 2, and H.B. No. 3564, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3564 had passed Final Reading at 4:33 o'clock a.m.

By unanimous consent, H.B. No. 3851, 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. 3851, HD 2, and H.B. No. 3851, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER

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

By unanimous consent, H.B. No. 2544, 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. 2544, HD 2, and H.B. No. 2544, 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 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3851 and 2544 had passed Final Reading at 4:34 o'clock a.m.

By unanimous consent, H.C.R. No. 218, 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. 218, HD 1, and H.C.R. No. 218, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DETERMINE THE DETAILS OF ESTABLISHING A PESTICIDE TREATMENT NOTIFICATION SYSTEM," was Finally adopted.

By unanimous consent, H.C.R. No. 273, 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. 273, HD 1, and H.C.R. No. 273, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING TO CREATE A FLOOD CONTROL TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ALLEVIATE CHRONIC FLOODING ON OAHU'S NORTH SHORE," was Finally adopted.

By unanimous consent, H.C.R. No. 293, 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 House to H.C.R. No. 293, HD 1, and H.C.R. No. 293, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BOARD OF LAND AND NATURAL RESOURCES TO CONSIDER A SUBZONE CLASSIFICATION OF 'PROTECTIVE' FOR ALL CONSERVATION DISTRICT LANDS IN WAIKANE AND WAIHAOLE VALLEYS ON OAHU, AND TO DENY GOLF COURSE DEVELOPMENT ON THAT PORTION OF OAHU DESIGNATED AS TAX MAP KEY Nos. 4-8-06:01 AND 4-8-14:05," was Finally adopted.

By unanimous consent, H.C.R. No. 358, 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. 358, HD 1, and H.C.R. No. 358, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STRATEGIC PLANS FOR TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY FOR THE STATE OF HAWAII," was Finally adopted.

By unanimous consent, H.C.R. No. 390, 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. 390, HD 1, and H.C.R. No. 390, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF HAVING THE STATE ACQUIRE THE TROPICANA WEST APARTMENT COMPLEX OR THE FEE INTEREST THEREOF," was Finally adopted.

By unanimous consent, H.C.R. No. 393, 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. 393, HD 1, and H.C.R. No. 393, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A MULTI-DISCIPLINARY INSTITUTE FOR HOUSING AT THE UNIVERSITY OF HAWAII," was Finally adopted.

By unanimous consent, H.C.R. No. 398, 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. 398, and H.C.R. No. 398, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A STATE WATER CONSERVATION PLAN BE DESIGNED AND DEVELOPED TO ADDRESS THE FINDINGS AND DECLARATION OF NECESSITY OF WATER AND LAND DEVELOPMENT IN SECTION 174-1, HAWAII REVISED STATUTES," was Finally adopted.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 151 and S.B. No. 2423, SD 1, HD 2, CD 1:

On motion by Representative Arakaki, seconded by Representative O'Kieffe and carried, Conf. Com. Rep. No. 151 and S.B. No. 2423, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF THE TRANSIENT ACCOMMODATIONS TAX REVENUES," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 162 and S.B. No. 2547, 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. 2547, SD 2, 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 49 ayes to 2 noes, with Representatives Bunda and Santiago voting no.

The Chair directed the Clerk to note that S.B. No. 2547 had passed Final Reading at 4:36 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 487 to 491) were read by the Clerk and were disposed of as follows:

H.R. No. 487, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 63RD DAY," was jointly offered by Representatives Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Taniguchi, seconded by Representative Anderson and carried, H.R. No. 487 was adopted.

H.R. No. 488, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE SIXTEENTH LEGISLATURE, REGULAR SESSION OF 1992, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 1992 AND 1993 SESSIONS," was jointly offered by Representatives Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Taniguchi, seconded by Representative Anderson and carried, H.R. No. 488 was adopted.

H.R. No. 489, 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 Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Taniguchi, seconded by Representative Anderson and carried, H.R. No. 489 was adopted.

H.R. No. 490, 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 1992," was jointly offered by Representatives Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Taniguchi, seconded by Representative Anderson and carried, H.R. No. 490 was adopted.

H.R. No. 491, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1992 AND THE CONVENING OF THE REGULAR SESSION OF 1993," was jointly offered by Representatives Taniguchi, Arakaki, Anderson and O'Kieffe.

On motion by Representative Taniguchi, seconded by Representative Anderson and carried, H.R. No. 491 was adopted.

ANNOUNCEMENTS

At this time, Representative Anderson rose and stated:

"A lot of people have always said that I make mistakes as a politician, but as you well know, I've taken out papers for numerous positions. I will definitely not be returning and I wanted to let you know that I'm going to miss everyone of you. We're all going to be running. I

would hope that whatever your endeavors are, that you will all be successful in whatever you're going to do.

"I'd like to thank my colleagues back here for allowing me, after my last fourteen years, to serve as the Minority Leader. I would also like to thank all staff -- they have been excellent -- not only my personal staff, but research and the attorneys, the staff from Finance, and all of your staff -- the Sergeant-at-Arms here, engrossing, the Clerk's Office -- I would like to thank you all. I wish you a lot of good luck, and I would hope that we meet again and that we'd always be friends.

"If anything else that I've learned here, the only thing that I've had to sell in fourteen years of my work, I've always felt that once I've given you my word, that was my bond. I would hope that each one of you remember that when you're working together, when you've given a person your word, they've got to count on it, so I do thank you and I wish you all the best.

"Mahalo."

At 4:40 o'clock a.m., Representative Tajiri asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:42 o'clock a.m.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 3643, 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. 3643, HD 1, and H.B. No. 3643, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3643 had passed Final Reading at 4:43 o'clock a.m.

ANNOUNCEMENT

Representative Morihara then rose and stated:

"I would just like to thank you from the former freshmen legislators, and it's been a pleasure and an honor serving here with you for our very first term, and we would like to thank the leadership, the Speaker, all the chairmen and colleagues, and the loyal opposition.

"Thank you again."

Representative Metcalf then rose and requested that the following remarks be inserted into the Journal, and the Chair "so ordered":

"It is with an admixture of feelings that I make these remarks. It seems not too long ago when, as a senior in high school, I first set my sights on becoming a member of Hawaii's Legislature. Yet, in point of fact, twenty-two years have passed.

"During the years I served on the Senate staff and later as a member of this House, I have developed a great respect for the Legislature as a vital institution in our democratic system of government. To be sure, in many

ways our operations are outdated. Nonetheless, the Legislature continues as that one institution of government which best accomplishes the public will and through which our community's aspirations for a more noble future are most ably expressed.

"As a member of this House, I have sought to perform my duties in a manner which comports with the public trust. Inherent in this trust is the responsibility to choose correctly; whether those choices flow with or contrary to the passions of the moment. This is what I believe each citizen truly desires and deserves. Though the hours are often long and the choices difficult at times, I have on balance thoroughly enjoyed the legislative process.

"As I look around this chamber, I feel assured that Hawaii's future is in capable hands. Thus, I can yield to the admittedly self-directed desire to time my departure from elective office while there is still some sense of regret rather than relief in leaving.

"Thank you all for your help and assistance these past eight years. To those members with whom I have been privileged to enjoy a special friendship, I thank you for being so steadfast in that friendship.

"Aloha."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 855 to 857) were read by the Clerk and were placed on file:

Sen. Com. No. 855, informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House, and has agreed to the amendments proposed by the House to the following Senate Bills on April 30, 1992:

S.B. 1516
S.B. 2306
S.B. 2438
S.B. 2607
S.B. 2675
S.B. 2676
S.B. 2684
S.B. 2689
S.B. 2771
S.B. 2777
S.B. 2780
S.B. 2826
S.B. 2851
S.B. 2858
S.B. 3062
S.B. 3100
S.B. 3186
S.B. 3237
S.B. 3278
S.B. 3286
S.B. 3288
S.B. 3306
S.B. 3340
S.B. 3345
S.B. 3436

Sen. Com. No. 856, informing the House that H.B. No. 2454, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading in the Senate on April 30, 1992.

Sen. Com. No. 857, informing the House that the following bills passed Final Reading in the Senate on April 30, 1992:

H.B. 2131, SD 1, CD 1
H.B. 1930, SD 2, CD 1
S.B. 3271, SD 1, HD 1, CD 1
S.B. 3109, SD 1, HD 1, CD 1
S.B. 1843, SD 2, HD 1, CD 1
S.B. 3247, SD 2, HD 2, CD 1
S.B. 2758, SD 2, HD 2, CD 1
S.B. 2288, SD 1, HD 1, CD 1
S.B. 2964, SD 1, HD 1, CD 1
S.B. 3004, SD 1, HD 2, CD 1
S.B. 3398, SD 1, HD 2, CD 1
S.B. 1419, SD 1, HD 1, CD 1
H.B. 3960, HD 1, SD 1, CD 1
H.B. 2366, HD 2, SD 1, CD 1
H.B. 2719, HD 2, SD 1, CD 1
H.B. 3982, HD 1, SD 2, CD 1
H.B. 2959, HD 2, SD 1, CD 1
H.B. 3119, HD 2, SD 1, CD 1
H.B. 2911, HD 2, SD 1, CD 1
H.B. 3076, HD 1, SD 2, CD 1
H.B. 2614, HD 2, SD 1, CD 1
H.B. 2431, HD 2, SD 2, CD 1
H.B. 3002, HD 2, SD 2, CD 1
H.B. 2612, HD 2, SD 1, CD 1
H.B. 3353, HD 3, SD 1, CD 1
H.B. 3493, HD 2, SD 2, CD 1
H.B. 3801, HD 2, SD 2, CD 1
H.B. 2400, HD 2, SD 2, CD 1
H.B. 3658, SD 2, CD 1
H.B. 2320, SD 1, CD 1
H.B. 3062, HD 2, SD 2, CD 1
H.B. 3134, HD 2, SD 1, CD 1
H.B. 602, HD 2, SD 1, CD 1
H.B. 2571, HD 2, SD 2, CD 1
H.B. 521, HD 1, SD 1, CD 1
H.B. 3184, HD 2, SD 1, CD 1
H.B. 736, HD 1, SD 2, CD 1
H.B. 2705, HD 2, SD 1, CD 1
S.B. 2997, SD 1, HD 1, CD 1
S.B. 2868, SD 2, HD 2, CD 1
S.B. 2867, HD 2, CD 1
S.B. 2485, SD 2, HD 2, CD 1
S.B. 2638, SD 1, HD 2, CD 1
S.B. 2407, SD 2, HD 2, CD 1
S.B. 3116, SD 1, HD 2, CD 1
S.B. 2855, SD 2, HD 2, CD 1
S.B. 2361, SD 2, HD 1, CD 1
S.B. 2547, SD 2, HD 1, CD 1

ADJOURNMENT

Representative Arakaki moved that the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, adjourn Sine Die, seconded by Representative O'Kieffe and carried.

At 4:44 o'clock a.m., the Speaker rapped his gavel and declared the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, adjourned Sine Die.

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

Gov. Msg. No. 98 informing the House that on May 11, 1992, he signed the following bills into law:

House Bill No. 3811 as Act 68, entitled: "RELATING TO MEDICINE AND SURGERY"; and

House Bill No. 3072 as Act 69, entitled: "RELATING TO AGRICULTURE".

Gov. Msg. No. 99 informing the House that he signed the following bills into law on the dates indicated:

May 15, 1992

House Bill No. 3799 as Act 70, entitled: "RELATING TO HEALTH CARE".

May 19, 1992

House Bill No. 3067 as Act 71, entitled: "RELATING TO PUBLIC EMPLOYMENT PROBATIONARY SERVICE".

Gov. Msg. No. 100 informing the House that on May 27, 1992, he signed the following bills into law:

House Bill No. 788 as Act 72, entitled: "RELATING TO CONTROL OR ERADICATION OF PESTS";

House Bill No. 1134 as Act 73, entitled: "RELATING TO INDIGENOUS SPECIES OF PLANTS";

House Bill No. 2139 as Act 74, entitled: "RELATING TO LIMITATION OF ACTIONS";

House Bill No. 2307 as Act 75, entitled: "RELATING TO PUBLIC UTILITIES";

House Bill No. 2308 as Act 76, entitled: "RELATING TO FOREIGN DRIVER'S LICENSES";

House Bill No. 2349 as Act 77, entitled: "RELATING TO RENTAL MOTOR VEHICLE AND TOUR VEHICLE SURCHARGE TAX";

House Bill No. 2376 as Act 78, entitled: "RELATING TO PREPAID LEGAL SERVICES";

House Bill No. 2410 as Act 79, entitled: "RELATING TO GUARDIANSHIP";

House Bill No. 2479 as Act 80, entitled: "RELATING TO PARKING FEES";

House Bill No. 2486 as Act 81, entitled: "RELATING TO RECYCLING";

House Bill No. 2490 as Act 82, entitled: "RELATING TO GARNISHMENT PROCEEDINGS";

House Bill No. 2493 as Act 83, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

House Bill No. 2507 as Act 84, entitled: "RELATING TO MEDICAL TREATMENT DECISIONS FOR PSYCHOTIC DISORDERS";

House Bill No. 2678 as Act 85, entitled: "RELATING TO TRUSTEES";

House Bill No. 2712 as Act 86, entitled: "RELATING TO FAMILY COURT JURISDICTION";

House Bill No. 2801 as Act 87, entitled: RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 2850 as Act 88, entitled: "RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED";

House Bill No. 2861 as Act 89, entitled: "RELATING TO STUDENT LOAN FUNDS";

House Bill No. 3038 as Act 90, entitled: "RELATING TO THE USE OF ACADEMIC DESIGNATIONS IN THE PRACTICE OF ACUPUNCTURE";

House Bill No. 3039 as Act 91, entitled: "RELATING TO THE DESIGNING PROFESSIONAL CONCILIATION PANEL";

House Bill No. 3041 as Act 92, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 3047 as Act 93, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 3051 as Act 94, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH PENALTIES";

House Bill No. 3052 as Act 95, entitled: "RELATING TO BOILER AND ELEVATOR SAFETY INSPECTOR QUALIFICATIONS";

House Bill No. 3059 as Act 96, entitled: "RELATING TO FISHING PERMITS";

House Bill No. 3073 as Act 97, entitled: "RELATING TO IRRIGATION PROJECT ACREAGE ASSESSMENTS";

House Bill No. 3074 as Act 98, entitled: "RELATING TO THE SALE OF VEGETABLE AND AGRICULTURAL SEED";

House Bill No. 3090 as Act 99, entitled: "RELATING TO HEALTH CARE";

House Bill No. 3111 as Act 100, entitled: "RELATING TO GIFTS";

House Bill No. 3148 as Act 101, entitled: "RELATING TO PACIFIC BASIN AND OTHER INTERNATIONAL ACTIVITIES";

House Bill No. 3152 as Act 102, entitled: "RELATING TO THE PAYMENT OF INTEREST ON TAXES";

House Bill No. 3156 as Act 103, entitled: "RELATING TO THE TAXATION OF DIVIDENDS RECEIVED FROM AFFILIATED CORPORATIONS";

House Bill No. 3159 as Act 104, entitled: "RELATING TO GENERAL EXCISE TAX LIMITATION PERIODS";

House Bill No. 3160 as Act 105, entitled: "RELATING TO TAX CREDITS FOR S CORPORATION SHAREHOLDERS";

House Bill No. 3163 as Act 106, entitled: "RELATING TO THE TAXATION OF FINANCIAL INSTITUTIONS";

House Bill No. 3283 as Act 107, entitled: "RELATING TO THE GENERAL EXCISE TAX";

House Bill No. 3441 as Act 108, entitled: "RELATING TO NONPROFIT CORPORATIONS";

House Bill No. 3568 as Act 109, entitled: "RELATING TO NEW PASSENGER VEHICLES";

House Bill No. 3617 as Act 110, entitled: "RELATING TO THE DEPARTMENT OF HEALTH";

House Bill No. 3660 as Act 111, entitled: "RELATING TO A BIOLOGICAL SURVEY";

House Bill No. 3724 as Act 112, entitled: "RELATING TO THE FORFEITURE LAW";

House Bill No. 3794 as Act 113, entitled: "RELATING TO HISTORIC PRESERVATION";

House Bill No. 3898 as Act 114, entitled: "RELATING TO CHILD CARE";

House Bill No. 3943 as Act 115, entitled: "RELATING TO CHILD SUPPORT";

Senate Bill No. 771 as Act 116, entitled: "RELATING TO PENALTIES FOR LITTERING";

Senate Bill No. 2200 as Act 117, entitled: "RELATING TO THE DEFRAUDING OF CARRIERS OF PASSENGERS";

Senate Bill No. 2673 as Act 118, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

Senate Bill No. 2706 as Act 119, entitled: "RELATING TO SCHOOL PERSONNEL";

Senate Bill No. 2871 as Act 120, entitled: "RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY"; and

Senate Bill No. 2873 as Act 121, entitled: "RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION".

Gov. Msg. No. 101 informing the House that he signed the following bills into law on the dates indicated:

May 29, 1992

House Bill No. 3076 as Act 122, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR COMMUNITY HOSPITALS".

June 3, 1992

Senate Bill No. 2361 as Act 123, entitled: "RELATING TO NO-FAULT INSURANCE";

House Bill No. 3974 as Act 124, entitled: RELATING TO NO-FAULT INSURANCE";

Senate Bill No. 1293 as Act 125, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 2918 as Act 126, entitled: "RELATING TO THE RENTAL VEHICLE SURCHARGE TAX";

Senate Bill No. 3062 as Act 127, entitled: "RELATING TO HUNTING";

House Bill No. 736 as Act 128, entitled: "RELATING TO TAX CREDITS";

House Bill No. 770 as Act 129, entitled: "RELATING TO SAME DAY VOTER REGISTRATION";

House Bill No. 1817 as Act 130, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 2366 as Act 131, entitled: "RELATING TO THE MOLOKAI IRRIGATION SYSTEM";

House Bill No. 3028 as Act 132, entitled: "RELATING TO UNIFORM LAND SALES PRACTICES ACT";

House Bill No. 3110 as Act 133, entitled: "RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT";

House Bill No. 3155 as Act 134, entitled: "RELATING TO THE INCOME TAXATION OF FOREIGN MANUFACTURERS";

House Bill No. 3248 as Act 135, entitled: "RELATING TO REGISTRATION OF VEHICLES";

House Bill No. 3697 as Act 136, entitled: "RELATING TO PRIVATE SOURCE REVENUES";

House Bill No. 3698 as Act 137, entitled: "RELATING TO JOB SHARING FOR PUBLIC EMPLOYEES";

House Bill No. 3770 as Act 138, entitled: "RELATING TO INVOLUNTARY HOSPITALIZATION"; and

House Bill No. 3945 as Act 139, entitled: "RELATING TO PARENTAGE".

Gov. Msg. No. 102 informing the House that on June 4, 1992, he signed the following bills into law:

House Bill No. 2374 as Act 140, entitled: "RELATING TO OCEAN RESOURCES";

House Bill No. 2385 as Act 141, entitled: "RELATING TO HOTELS";

House Bill No. 3002 as Act 142, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 3040 as Act 143, entitled: "RELATING TO HAWAII PROPERTY INSURANCE ASSOCIATION";

House Bill No. 3063 as Act 144, entitled: "RELATING TO A TEACHER INCENTIVE PROGRAM";

House Bill No. 3097 as Act 145, entitled: "RELATING TO LOW-INCOME RENTAL HOUSING";

House Bill No. 3119 as Act 146, entitled: "RELATING TO THE TRANSFER OF PUBLIC SAFETY FUNCTIONS AND EMPLOYEES FROM VARIOUS

DEPARTMENTS TO THE DEPARTMENT OF PUBLIC SAFETY";

House Bill No. 3154 as Act 147, entitled: "RELATING TO TAX APPEALS";

Senate Bill No. 2203 as Act 148, entitled: "RELATING TO INHERITANCE RIGHTS OF ADOPTEES";

Senate Bill No. 2237 as Act 149, entitled: "RELATING TO BAIL BOND BUSINESSES";

Senate Bill No. 2689 as Act 150, entitled: "RELATING TO THE LICENSURE LAW FOR CHIROPRACTIC"; and

Senate Bill No. 2898 as Act 151, entitled: "RELATING TO ANABOLIC STEROIDS".

Gov. Msg. No. 103 informing the House that on June 8, 1992, he signed the following bills into law:

Senate Bill No. 2382 as Act 152, entitled: "RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES";

Senate Bill No. 2438 as Act 153, entitled: "RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT";

Senate Bill No. 2607 as Act 154, entitled: "RELATING TO HAZARDOUS WASTE";

Senate Bill No. 2684 as Act 155, entitled: "RELATING TO LICENSING OF DISPENSING OPTICIANS";

Senate Bill No. 2714 as Act 156, entitled: "RELATING TO HANSEN'S DISEASE";

Senate Bill No. 2780 as Act 157, entitled: "RELATING TO TRAVEL AGENCIES";

Senate Bill No. 2861 as Act 158, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS";

Senate Bill No. 2882 as Act 159, entitled: "RELATING TO WAIKIKI";

Senate Bill No. 2894 as Act 160, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 3004 as Act 161, entitled: "MAKING AN APPROPRIATION FOR REMOVAL OF HAZARDOUS MATERIALS FROM PUBLIC SCHOOLS";

Senate Bill No. 3306 as Act 162, entitled: "RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES";

Senate Bill No. 3340 as Act 163, entitled: "RELATING TO TAKING OF MULLET AND LOBSTERS";

Senate Bill No. 3371 as Act 164, entitled: "RELATING TO SEX OFFENDER TREATMENT"; and

Senate Bill No. 3436 as Act 165, entitled: "RELATING TO OSTEOPATHY".

Gov. Msg. No. 104 returning House Bill No. 1926, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1926

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. 1926, entitled, 'A Bill for an Act Relating to Civil Rights.'

This bill, laudable in purpose, seeks to establish a private right of action for enforcement, by equitable remedy, of provisions of the State Constitution, and to provide for the award of attorneys' fees to prevailing parties in such suits.

However, under present law, suits for equitable relief to restrain action that is illegal under the State Constitution are already permitted as a matter of state equity practice. A wide variety of other remedies, for example, suits for relief from administrative orders under the Hawaii Administrative Procedure Act, chapter 91, Hawaii Revised Statutes, suits before the Civil Rights Commission pursuant to chapter 378, Hawaii Revised Statutes, and suits for damages under chapter 661 (the Hawaii Little Tucker Act), chapter 662 (the State Tort Liability Act), and chapter 673 (the Native Hawaiian Trusts Judicial Relief Act), Hawaii Revised Statutes, and other state laws, as well as the common law, provide a vast array of judicial vehicles for holding state and local officials accountable for their actions under the color of law. Enactment of the provisions of this bill, therefore, while laudable in purpose, is not necessary in light of other available remedies, and, indeed, could prove disruptive of remedial schemes that have been carefully tailored both as to forum and scope.

Another major flaw in this legislation is that, by relying on the language of 42 U.S.C., Section 1983, and incorporating the caselaw applicable to that statute, the bill would potentially render state and local officials personally liable for attorneys' fees awarded when they, even in good faith, enforced a state law or a local ordinance that was later found to be unconstitutional.

Third, as presently drafted, the bill raises serious doubts whether it would open the State to suit in the federal courts where immunity from suit otherwise would lie under the Eleventh Amendment. Under present law, State officials cannot be held to account in a federal court upon claims for equitable relief that seek solely to redress violations of State law. This principle of federal jurisdiction exists to preserve the sovereignty of the states, and to prevent federal judges, who have no necessary duty to account to the people of the State in which they sit, from rendering binding decisions on questions of state law. As now written, however, House Bill No. 1926 does not clearly limit the suits it authorizes to the state courts. As such, the bill is flawed.

In addition to the foregoing, this bill poses grave policy problems, apart from questions of legality. While it is clearly wrong when meritorious state constitutional claims cannot be litigated because a citizen cannot obtain access

to legal counsel, House Bill No. 1926 adopts a standard for awarding fees that not even the Congress has adopted when authorizing fee-shifting against the United States. To require the taxpayer to pay attorneys' fees in a suit where a state law is struck down as unconstitutional, even when executive branch officials, in good faith, seek to defend an act of the Legislature which in turn was passed in good faith to remedy an important public problem, is, in my judgment, inappropriate. As written, moreover, the bill makes no distinction between a wealthy corporation, which would bring suit regardless of the availability of fee-shifting, and a poor individual, who cannot otherwise gain access to the courts. Indeed, it is not altogether clear that requiring the public to pay over potentially large attorneys' fees will lead to stricter enforcement of civil rights. State judges, being only human, may take into account the fact that their pronouncements on the law may carry with them a hefty attorneys' fee bill for the taxpayer and may be more reluctant to expand the reach of the State Constitution than if, as at present, each side is required to bear its own attorneys' fees. Finally, while fee-shifting in cases arising under the Hawaii Constitution's analogues to the federal Bill of Rights may be appropriate, the bill would make suits under any of the extensive, and often detailed, provisions of the Hawaii Constitution, eligible for fees. Little study has been made of the potential effect of fee-shifting in these latter sorts of cases, and, in light of the potentially large effects this bill pretends for the treasury, the bill is unacceptable in its present form.

For the foregoing reasons, I am returning House Bill No. 1926 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. 1926, entitled, 'A Bill for an Act Relating to Civil Rights,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1926 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. 1926 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 105 returning House Bill No. 2312, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2312

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. 2312, entitled, 'A Bill for an Act Relating to Motor Vehicles.'

The original purpose of House Bill No. 2312 was laudable in that it was intended to prohibit the defacing of temporary motor vehicle number plates by making any defaced temporary number plates invalid and by imposing a fine up to \$500 for the preparation of an invalid temporary number plate and the operation of a motor vehicle with an expired or invalid temporary number plate.

Unfortunately the bill, as enacted, is extremely vague and unclear and does not appear to further the legislative intent behind the bill.

For example, the statutory scheme established by the bill creates two separate offenses: (1) the preparation of an 'invalid' temporary number plate by a dealer; and (2) the operation of a motor vehicle with an expired or invalid temporary number plate. With regard to the latter offense, the bill places an unwarranted burden on a vehicle operator who, under the bill, is presumed guilty, and is initially subject to a fine for merely operating a motor vehicle with an 'invalid' temporary number plate that a dealer, and not the operator, defaced in violation of the statute. Under the bill, a temporary number plate is 'invalid' only if the 'dealer,' rather than the vehicle owner or operator, includes any unauthorized information on the temporary number plate. However, it is the vehicle owner who must go before the court and effectively prove his innocence before the fine can be 'apportioned' to the dealer, who is the only one who can make the temporary number plate 'invalid,' by including unauthorized information on a temporary number plate. As a result, this proposed statutory scheme clearly punishes the wrong party and fails to place the responsibility for the violation on the only party who can invalidate a temporary number plate, the dealer.

Additionally, the bill may be ineffective because it does not clearly define what constitutes 'information,' and does not proscribe the defacing or the inclusion of advertisements or other wording on the temporary number plates by anyone other than the dealer. Also, because temporary number plates are only 'invalid' if prepared by a 'dealer,' operators could subvert the bill's provisions by simply claiming that they, and not the dealer, defaced the temporary number plate, thereby avoiding the proscription of the statute and avoiding the making of the temporary number plate invalid, thus avoiding the imposition of any fines. Consequently, the bill may not be enforceable and may not prevent the inscribing on the plate of the types of material intended to be prohibited by this bill.

For the foregoing reasons, I am returning House Bill No. 2312 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. 2312, entitled, 'A Bill for an Act Relating to Motor Vehicles,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2312 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. 2312 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 106 returning House Bill No. 3274, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3274

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. 3274, entitled, 'A Bill for an Act Relating to the Conveyance Tax.'

The stated purpose of House Bill No. 3274 is to simplify the computation of the conveyance tax by resetting the increments on which the tax is computed from 5 cents per \$100 to 50 cents per \$1,000.

Concern has been raised that changing the increments currently used may not result in simplification, but may instead result in confusion to the taxpayer due to ambiguity in the bill's language requiring that increments of less than \$1,000 be rounded to the nearest \$1,000.

Accordingly, since the perceived benefit of this bill may not materialize, and the increments currently used to calculate the tax seem to be effective, changing the increments is unwarranted at this time.

For the foregoing reasons, I am returning House Bill No. 3274 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. 3274, entitled, 'A Bill for an Act Relating to the Conveyance Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3274 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. 3274 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 107 returning House Bill No. 3666, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3666

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. 3666, entitled, 'A Bill for an Act Relating to the Judges.'

The purpose of House Bill No. 3666 is to amend section 601-7, Hawaii Revised Statutes, relating to the disqualification of judges. The bill will disqualify a judge 'where a reasonable person would find an appearance of

impropriety' and will provide for disqualification on the basis of personal bias or prejudice simply by the filing of any party's, or that party's attorney's, affidavit with the clerk of the court stating that the judge before whom the action or proceeding is pending has a personal bias or prejudice against the party or in favor of an opposing party. Additionally, this bill will allow parties or their attorneys in civil actions or proceedings to disqualify a judge by filing an affidavit with the clerk stating that the judge has a personal bias or prejudice against the party's attorney or in favor of an opposing party's attorney. Although this bill will require that both types of affidavits state facts and reasons for the belief that such bias or prejudice exists and that the affidavits be made in good faith, a legislative committee report indicates that it is the Legislature's express intent that no judicial determination be made as to whether the affidavits conform to those standards.

While the text of section 601-7, Hawaii Revised Statutes, has not and does not provide explicitly for any judicial review of the affidavit which is required for the disqualification of a judge, the long-standing practice of the courts in applying section 601-7 has been to require judicial review of the affidavit. Hawaii's appellate courts have, for years, reviewed such determinations by the lower courts.

This amendment to section 601-7 precludes the court from continuing this long-standing and prudential practice, and instead permits parties to litigation or their attorneys to exercise a peremptory challenge of the assigned trial or motions judge. Such a practice will only encourage 'judge shopping' and may present opportunities for serious delay in the calendaring of trials and hearings in the circuit and district courts of the State. These administrative ramifications might be especially serious for the neighbor island courts where only a single judge or a very limited pool of judges is available.

For the foregoing reasons, I am returning House Bill No. 3666 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. 3666, entitled, 'A Bill for an Act Relating to the Judges,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3666 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. 3666 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 108 transmitting his statement of objections to Senate Bill No. 1528 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1528

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. 1528, entitled, 'A Bill for an Act Relating to the Penal Code.'

The purposes of Senate Bill No. 1528 are to close a loophole in the bail jumping law that may allow some offenders to escape prosecution and to permit the introduction of written statements in lieu of live testimony by witnesses to the solicitation of, and negotiation for, acts of prostitution.

While it is important to close the loophole in the bail jumping law and to facilitate prosecution of prostitution offenses where critical witnesses, such as tourists, are often unavailable, the bill's proposal to admit written statements in lieu of live testimony may violate the accused's constitutional right to confront the witnesses against him or her.

At the same time, the proposed standard for admissibility of these statements -- whether 'the general purposes of the rules of evidence and the interests of justice will be served' -- is so vague that it will be very difficult for our judges to consistently and fairly apply it, especially since the legislative history does not explain what this standard is intended to mean.

For the foregoing reasons, I am returning Senate Bill No. 1528 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. 1528, entitled, 'A Bill for an Act Relating to the Penal Code,' passed by the

Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1528 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. 1528 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 109 transmitting his statement of objections to Senate Bill No. 2229 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2229

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. 2229, entitled, 'A Bill for an Act Relating to Hawaii Rules of Evidence.'

The purposes of Senate Bill No. 2229 are to permit evidence of prior bad acts committed by the same defendant against the same victim in prosecutions of certain offenses against the person and certain domestic violence offenses, to require notice of intent to use this type of evidence, to neutralize gender terms in Rule 404, Hawaii Rules of Evidence, and to require the Revisor of Statutes to compile commentary to the proposed amendments.

While it appears that there is a need to clarify the circumstances in which evidence of prior acts of violence by an accused against the same victim should be admitted at trial of an assault or domestic violence offense, this bill may cause more evidence to be excluded than is currently being admitted. First, there is a conflict within the bill which makes it unclear whether the prior act must have been committed within a specified period of time prior to the charged offense or not.

Second, if there is a time limit, some evidence which is currently admissible will be rendered inadmissible even if the prior act was committed just one day outside of the time limit. While the age of a prior act is one factor to consider in assessing its admissibility, it simply cannot be said that evidence which is admissible one day is absolutely inadmissible the next.

Third, the bill requires the proponent of prior act evidence to notify the opposing party of the proponent's

intent to offer the evidence. While this appears only fair, it likely will apply only where the evidence is offered against the accused. If the accused intends to offer evidence of prior acts against the victim, it appears that the accused will be able to do so under a portion of the bill which does not require prior notification. Applying the notice requirement unevenly will disturb the delicate balance between the rights of victims and those of the accused.

For the foregoing reasons, I am returning Senate Bill No. 2229 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. 2229, entitled, 'A Bill for an Act Relating to Hawaii Rules of Evidence,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2229 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. 2229 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 110 transmitting his statement of objections to Senate Bill No. 2676 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2676

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. 2676, entitled, 'A Bill for an Act Relating to the Insurance Code.'

This bill is intended to amend the Insurance Code, chapter 431, Hawaii Revised Statutes, to meet the national accreditation standards established by the National Association of Insurance Commissioners, which will in turn provide enhanced regulatory scrutiny and safeguards to better protect policyholders from the financial hardship of insurer insolvency.

This bill is substantially identical to House Bill No. 3011, H.D. 1, S.D. 2, which was also passed by the Legislature. Since I intend to approve House Bill No. 3011, there is no necessity to also approve Senate Bill No. 2676.

For the foregoing reason, I am returning Senate Bill No. 2676 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. 2676, entitled, 'A Bill for an Act Relating to the Insurance Code,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2676 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. 2676 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 111 transmitting his statement of objections to Senate Bill No. 3145 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 12, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 3145

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. 3145, entitled, 'A Bill for an Act Relating to Firearms.'

The purposes of Senate Bill No. 3145 are to amend section 134-6, Hawaii Revised Statutes, to limit the circumstances in which a person may be charged with the possession, use, or threatened use of a firearm in the commission of a felony, to resentence defendants already convicted under section 134-6(a) to conform their sentences with the provisions of this bill, and to require offenders against whom charges are now pending under section 134-6(a) be sentenced pursuant to the provisions of this bill if they are later convicted.

The amendments proposed by this bill are intended to address an unforeseen consequence of the amendments made to section 134-6 by Act 195, Session Laws of Hawaii 1990. Act 195 established a class A felony for the possession, use, or threatened use of a firearm in the commission of a felony. Creation of this offense was intended to recognize and deter the heightened danger presented when firearm is involved in the commission of a felony such as burglary.

However, it was not intended to permit charging of a separate felony for use of a firearm where the underlying felony involves a firearm and is classified as a felony for that reason alone. Otherwise, the involvement of a single firearm would, in effect, be counted twice: once in the definition of the underlying felony and a second time in defining the separate felony.

Unfortunately, Senate Bill No. 3145 goes too far in its attempt to solve this problem, because it is overbroad. It will exclude as underlying felonies even those which are classified as felonies regardless of the involvement of a firearm. For example, if a public servant such as a teacher is threatened, a class C felony offense is committed. If the teacher is threatened with a firearm, this conduct should separately be sanctioned as a class A felony. However, this bill would make that impossible.

Senate Bill No. 3145 also requires that its provisions be applied retroactively, a requirement that raises constitutional and legal difficulties. The retroactivity provision is similar to that which is found in Act 188, Session Laws of Hawaii 1975, by which the courts were given discretion to resentence pre-Penal Code offenses according to the provisions of the Penal Code. Although there are no cases upholding a challenge to Act 188, the Hawaii Supreme Court has indicated that retroactive, ameliorative legislation may violate the constitutional separation of powers by impinging on the executive power to pardon convicted offenders. This bill is drawn further into doubt by the fact that it mandates resentencing of convicted offenders whereas Act 188 made resentencing discretionary.

Moreover, it will be very difficult for the courts to retroactively apply the provisions of Senate Bill No. 3145. The bill will require defendants to be resentenced or sentenced, as the case may be, to the underlying felony even where it is not clear what that felony is. For example, there may be one or more felonies which could be charged for the underlying conduct, some of which would be excluded by this bill, others which would not. If the underlying felony has not been charged and is not specified in the indictment for the class A felony, it will be impossible for the court to determine how to apply the provisions of Senate Bill No. 3145.

Finally, even if the courts are able to determine that the underlying felony is one which is excluded by the

provisions of Senate Bill No. 3145, the mandatory resentencing provision, combined with the blanket exclusion of certain offenses, will provide undeserved sentence reduction in some cases. For example, a defendant who commits terroristic threatening against a public servant, and is therefore guilty of a class C felony, but also uses a gun, will receive the same sentence as another defendant who is charged with class C felony terroristic threatening only because a gun was involved, even though the former is clearly more culpable than the latter.

For the foregoing reasons, I am returning Senate Bill No. 3145 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. 3145, entitled, 'A Bill for an Act Relating to Firearms,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3145 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. 3145 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 112 informing the House that he signed the following bills into law on the dates indicated:

June 10, 1992

House Bill No. 3772 as Act 166, entitled: "RELATING TO STATE MONUMENTS".

June 12, 1992

House Bill No. 1715 as Act 167, entitled: "RELATING TO THE HAWAII STATE UNIVERSITY";

House Bill No. 2361 as Act 168, entitled: "RELATING TO RESTRICTIVE CONVENANTS";

House Bill No. 2409 as Act 169, entitled: "RELATING TO THE HAWAIIAN LANGUAGE";

House Bill No. 2455 as Act 170, entitled: "RELATING TO MOTOR VEHICLE SAFETY";

House Bill No. 2496 as Act 171, entitled: "RELATING TO DISCRIMINATION IN REAL PROPERTY";

House Bill No. 2500 as Act 172, entitled: "RELATING TO THRILL CRAFT";

House Bill No. 2724 as Act 173, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 2911 as Act 174, entitled: "MAKING AN APPROPRIATION TO PROVIDE LOW-INTEREST LOANS FOR SELF-HELP CONSTRUCTION ON THE ISLAND OF HAWAII";

House Bill No. 2959 as Act 175, entitled: "RELATING TO THE MARINE ENVIRONMENT";

House Bill No. 3011 as Act 176, entitled: "RELATING TO THE INSURANCE CODE";

House Bill No. 3030 as Act 177, entitled: "RELATING TO MEDICINE AND SURGERY";

House Bill No. 3034 as Act 178, entitled: "RELATING TO CREDIT SALES";

House Bill No. 3046 as Act 179, entitled: "RELATING TO MOTOR CARRIER SAFETY";

House Bill No. 3062 as Act 180, entitled: "RELATING TO THE PROTECTION OF NATURAL RESOURCES";

House Bill No. 3071 as Act 181, entitled: "RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS";

House Bill No. 3134 as Act 182, entitled: "RELATING TO ENERGY EMERGENCY RESPONSE";

House Bill No. 3157 as Act 183, entitled: "RELATING TO INDIVIDUAL HOUSING ACCOUNT DEDUCTIONS";

House Bill No. 3158 as Act 184, entitled: "RELATING TO ADMINISTRATION OF TAXES";

House Bill No. 3424 as Act 185, entitled: "RELATING TO PUBLIC RECORDS";

House Bill No. 3558 as Act 186, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

House Bill No. 3801 as Act 187, entitled: "RELATING TO COMMUNITY HOSPITALS";

House Bill No. 3857 as Act 188, entitled: "RELATING TO FAMILY CENTERS";

House Bill No. 3960 as Act 189, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

Senate Bill No. 1347 as Act 190, entitled: "RELATING TO CHILD PROTECTIVE AND WELFARE SERVICES";

Senate Bill No. 2228 as Act 191, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

Senate Bill No. 2432 as Act 192, entitled: "RELATING TO PAWNBROKERS";

Senate Bill No. 2454 as Act 193, entitled: "RELATING TO DRUG PRODUCT SELECTION";

Senate Bill No. 2547 as Act 194, entitled: "RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE";

Senate Bill No. 2675 as Act 195, entitled: "RELATING TO MEDICARE SUPPLEMENT INSURANCE";

Senate Bill No. 2678 as Act 196, entitled: "RELATING TO WHOLESALE PRESCRIPTION DRUG DISTRIBUTORS";

Senate Bill No. 2729 as Act 197, entitled: "RELATING TO RECORDATION";

Senate Bill No. 2771 as Act 198, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 2777 as Act 199, entitled: "RELATING TO TRAVEL AGENCIES";

Senate Bill No. 2883 as Act 200, entitled: "RELATING TO CHILD ABUSE";

Senate Bill No. 2896 as Act 201, entitled: "RELATING TO SUBSTANCE ABUSE TESTS";

Senate Bill No. 2922 as Act 202, entitled: "RELATING TO UNIFORMITY OF PROFESSIONAL AND VOCATIONAL LICENSING LAWS";

Senate Bill No. 3237 as Act 203, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 3286 as Act 204, entitled: "RELATING TO PUBLIC ACCOUNTANCY";

Senate Bill No. 3288 as Act 205, entitled: "RELATING TO ESCROW DEPOSITORIES"; and

Senate Bill No. 3345 as Act 206, entitled: "RELATING TO AERONAUTICS".

Gov. Msg. No. 113 informing the House that on June 12, 1992, he signed the following bills into law:

House Bill No. 1023 as Act 207, entitled: "RELATING TO LIQUOR";

House Bill No. 1930 as Act 208, entitled: "RELATING TO POWER OF ATTORNEY";

House Bill No. 2570 as Act 209, entitled: "RELATING TO SCHOOLS";

House Bill No. 2613 as Act 210, entitled: "RELATING TO THE USE OF FORCE";

House Bill No. 2917 as Act 211, entitled: "RELATING TO ELDERLY CARE";

House Bill No. 3006 as Act 212, entitled: "RELATING TO CHILD SUPPORT";

House Bill No. 3233 as Act 213, entitled: "RELATING TO RECYCLED GLASS";

House Bill No. 3467 as Act 214, entitled: "RELATING TO HAWAII EMPLOYMENT RELATIONS ACT";

House Bill No. 3673 as Act 215, entitled: "RELATING TO SMOKING IN PUBLIC PLACES";

Senate Bill No. 1274 as Act 216, entitled: "RELATING TO THE STATEWIDE TRAIL AND ACCESS SYSTEM";

Senate Bill No. 2231 as Act 217, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

Senate Bill No. 2288 as Act 218, entitled: "MAKING AN APPROPRIATION TO ESTABLISH A STATEWIDE BLOOD AND SALIVA TESTING PROGRAM";

Senate Bill No. 2420 as Act 219, entitled: "RELATING TO A VOLUNTARY, CONSULTATIVE, AND EDUCATIONAL FOOD SAFETY ACTIVITY FOR THE FOOD SERVICE PERSONNEL OF HAWAII";

Senate Bill No. 2758 as Act 220, entitled: "MAKING AN APPROPRIATION FOR THE DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

Senate Bill No. 3109 as Act 221, entitled: "RELATING TO RENTAL MOTOR VEHICLES";

Senate Bill No. 3157 as Act 222, entitled: "RELATING TO EVIDENCE"; and

Senate Bill No. 3179 as Act 223, entitled: "RELATING TO ANIMALS".

Gov. Msg. No. 114 returning House Bill No. 3353, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3353

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. 3353, entitled, 'A Bill for an Act Relating to Housing.'

The purpose of House Bill No. 3353 is to authorize the issuance of revenue bonds in the sum of \$55,000,000 to allow the Housing Finance and Development Corporation to acquire the Queen Emma Gardens apartment complex for affordable rental housing. House Bill No. 3353, however, directs the Director of Finance to issue revenue bonds, but omits a specific reference to part III of chapter 39, Hawaii Revised Statutes, which authorizes the issuance of revenue bonds. This may result in a legal challenge to the authority of the Director of Finance to issue revenue bonds pursuant to part III of chapter 39. The bill does not mention how the Director of Finance is to transfer the proceeds of the issuance of revenue bonds to the Housing Finance and Development Corporation. If the Director of Finance is to loan the proceeds to the Housing Finance and Development Corporation, the Department of Budget and Finance does not presently have a loan program in place to administer these funds.

For the foregoing reason, I am returning House Bill No. 3353 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. 3353, entitled, 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3353 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. 3353 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 115 returning House Bill No. 3642, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3642

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. 3642, entitled, 'A Bill for an Act Relating to Energy.'

The purpose of House Bill No. 3642 is to authorize the Department of Budget and Finance to issue special purpose revenue bonds in a total amount not to exceed \$5,000,000, for the purpose of assisting the Wailuku River Hydroelectric Power Company, Inc., or a partnership in which Wailuku River Hydroelectric Power Company, Inc., is a general partner, to establish a hydroelectric power plant and related facilities in the county of Hawaii.

While House Bill No. 3642 only expressly authorizes the issuance of special purpose revenue bonds, an authorization to issue bonds has long been considered to include an implied appropriation. Accordingly, House Bill No. 3642 is considered to be an appropriations bill subject to Section 9 of Article VII of the Constitution of the State of Hawaii, which prohibits the passage of an appropriations bill, except for bills to cover the expenses of the Legislature or recommended by the Governor for immediate passage, prior to the passage of the supplemental appropriations bill. House Bill No. 3642 is not a bill to cover the expenses of the Legislature nor a bill recommended by the Governor for immediate passage, but it was passed on April 29, 1992, prior to the passage on April 30, 1992, of House Bill No. 2454, the supplemental appropriations bill. Consequently, I believe that House Bill No. 3642 violates the order of passage requirement of Section 9 of Article VII of the State Constitution and cannot validly become law.

For the foregoing reason, I am returning House Bill No. 3642 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. 3642, entitled, 'A Bill for an Act Relating to Energy,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3642 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. 3642 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 116 returning House Bill No. 3851, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS

TO HOUSE BILL NO. 3851

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. 3851, entitled, 'A Bill for an Act Relating to Foster Care.'

The purpose of House Bill No. 3851 is to provide assistance to foster parents by:

1. Affording foster parents with the rights, responsibilities, and expectations of state agency volunteers;
2. Prohibiting insurance companies from considering a policy holder's foster child differently from the policy holder's natural or adopted child for purposes of determining premium rates on homeowners or renters insurance and from considering a policy holder's acceptance of the placement of a foster child in the household as a use of the family dwelling for a business purpose;
3. Creating a demonstration project to provide respite care to foster parents on Oahu; and
4. Creating a program to provide child care for foster parents to enable the parents to attend foster care training or business meetings.

However, the classification of foster parents as 'volunteers' could have a significant adverse financial impact, because as 'volunteers' they would be afforded tort liability coverage and worker's compensation coverage. Usually, state volunteers work a set schedule of hours at state facilities and under the direct supervision of a state employee. In contrast, foster parents will perform their services in their own homes, twenty-fours of every day, without direct supervision. Thus, foster parents will have twenty-four-hour tort liability and workers' compensation coverage, unlike other volunteers as well as employees.

In addition, the Legislature failed to appropriate any funds for the respite care demonstration project or the child care program and the Department of Human Services (DHS) has expressed concerns over its ability to fund these programs without any appropriations. Due to the tremendous growth in welfare and medicaid program expenditures, DHS's ability to identify program savings for fiscal year 1992-1993 is severely limited. Furthermore, a recent decision of the Hawaii Supreme Court ruled that persons who have blood-related children placed in their homes are entitled to foster care board payments. DHS estimates that an additional \$3,000,000 will be required to continue to provide foster care services to the same number of children. The additional amount of \$3,000,000 is not provided in the supplemental appropriations bill for fiscal year 1992-1993. Consequently, it appears that DHS will be unable to implement the respite care demonstration project or the child care program.

For the foregoing reasons, I am returning House Bill No. 3851 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. 3851, entitled, 'A Bill for an Act Relating to Foster Care,' was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3851 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. 3851 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 117 transmitting his statement of objections to Senate Bill No. 1419 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1419

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. 1419, entitled, 'A Bill for an Act Relating to an Emergency Response Trauma Program.'

The purposes of Senate Bill No. 1419 are to: (1) appropriate \$145,000 for the operation of the Hawaii Disaster Medical Assistance Team (DMAT/Hi-1); and (2) appropriate \$17,000 for the operation of the catastrophic and traumatic emergency response program.

The Legislature's appropriation of state funds for the DMAT/Hi-1, a private organization, by Senate Bill No. 1419, an appropriations bill which was submitted to the Legislature as a separate measure from the executive budget, failed to undergo an independent review by the Department of Health, as required by sections 42-4, 42-5(c), and 42-6, Hawaii Revised Statutes. Due to the apparent noncompliance with the above-noted provisions of chapter 42, Hawaii Revised Statutes, the appropriation cannot be expended, because no contract can be entered into with the DMAT/Hi-1.

Meanwhile, the appropriation of state funds for the catastrophic and traumatic emergency response program for the fiscal year 1992-1993 is apparently unwarranted in view of the approximately \$40,000 in state funds currently appropriated for this program for the fiscal years 1991-1992 and 1992-1993 and unexpended by the Department of Health.

For the foregoing reasons, I am returning Senate Bill No. 1419 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. 1419, entitled, 'A Bill for an Act Relating to an Emergency Response Trauma Program,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1419 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. 1419 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 118 transmitting his statement of objections to Senate Bill No. 3367 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 3367

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. 3367, entitled, 'A Bill for an Act Relating to the Department of Human Services.'

The purpose of Senate Bill No. 3367 is to designate the Department of Human Services as the lead agency for the planning and provision of services related to domestic violence and sexual assault programs.

This bill requires the Department of Human Services to contract with a master contractor to administer all contracts with private agencies to provide services related to domestic violence and sexual assault. However, the funds to hire a master contractor are not in the Department's budget and this bill does not contain any appropriation to do so. In addition, this bill conflicts with the provisions of Senate Bill No. 3371, which designates the Department of Public Safety as the lead agency for the treatment of sex abuse offenders. Senate Bill No. 3371 was also passed during the 1992 regular session and was enacted as Act 164 on June 8, 1992.

This bill also excludes the Department of Human Services from the provisions of chapters 42D, 102, and 103, Hawaii Revised Statutes. Although the problem of domestic violence and sexual assault is important, the problem is not so severe as to exempt the Department of Human Services from the normal bidding process. In addition, the provision in this bill allowing an unsuccessful applicant for a contract to seek resolution of the unsuccessful applicant's disappointment through a private nonprofit mediation organization is inappropriate and is an infringement on the ability of the executive branch to implement programs for which it is responsible.

For the foregoing reasons, I am returning Senate Bill No. 3367 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. 3367, entitled, 'A Bill for an Act Relating to the Department of Human Services,' was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3367 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. 3367 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 119 returning House Bill No. 2433, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 18, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2433

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. 2433, entitled, 'A Bill for an Act Relating to Public Contracts.'

House Bill No. 2433 requires an agency that is soliciting bids for a public works contract to evaluate the performance of all prospective bidders under current or prior contracts with that agency during the past twenty-four months and to bar any bidder that failed to meet either the quality specifications or the time schedules of two or more projects, or the quality requirements and the time schedule of one project, from bidding for that contract and any other public contract for twenty-four months thereafter.

House Bill No. 3533 entitled, 'A Bill for an Act Relating to Public Contracts,' was also passed by the Legislature. House Bill No. 3533 also provides for barring a contractor from public contracts for two years from the determination that the contractor has performed in a substandard manner. However, unlike this bill, House Bill No. 3533 expressly provides a contractor the opportunity to refute the allegations made against it and to present evidence in its own defense, because the determination of substandard work must be made in an administrative hearing. Since I intend to approve House Bill No. 3533, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning House Bill No. 2433 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. 2433, entitled, 'A Bill for an Act Relating to Public Contracts,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2433 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. 2433 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 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 120 returning House Bill No. 2683, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 18, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2683

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. 2683, entitled, 'A Bill for an Act Relating to Environmental Protection and Health.'

The purpose of House Bill No. 2683 is to amend Act 293, Session Laws of Hawaii 1991, which established a Department of Environmental Protection (DEP). This bill will change the date by which the Governor must submit the organizational and functional plan for the DEP from thirty days before the 1992 regular session to sixty days before the 1993 regular session; require the Governor to appoint a management team to work on the details of creating the new department so that the DEP will be operational by January 1, 1994; require the Governor to report to the Legislature at least sixty days before the 1993 regular session on the work of the management team; require that a budget request for the new department be included in the next biennial executive budget request; and change the date of repeal of Act 293 from July 1, 1992, to July 1, 1993.

My administration does desire to continue the discussion concerning the DEP to strive for consensus concerning the new department's functions and organization. We prefer that the work of the DEP Task Force created by Act 293 continue.

Unfortunately, the bill in its final form has two major flaws. First, the bill requires extremely detailed administrative transition work before the organization and function of the department have been agreed upon and established. For example, the bill requires time-consuming administrative detail work to the extent of reworking position descriptions, developing accounting and fiscal controls, and establishing a personnel record system. Second, the bill provides no funding to accomplish this detailed transition work. In establishing the Department of Public Safety, the Legislature first specified the programs to be included and then appropriated \$400,000 for a transition team by Act 211, Session Laws of Hawaii 1989.

The foregoing problems are intensified by the uncertain future of the new department. The bill provides that the new department will be repealed should the Legislature fail to establish the department's powers and duties in 1993. It is difficult to commit extensive unbudgeted effort to working on the details of a department which not only lacks defined functions or organization but which may also expire in a year.

For the foregoing reasons, I am returning House Bill No. 2683 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. 2683, entitled, 'A Bill for an Act Relating to Environmental Protection and Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2683 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. 2683 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 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 121 returning House Bill No. 3342, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 17, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3342

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. 3342, entitled, 'A Bill for an Act Relating to Water Pollution.'

The purpose of House Bill No. 3342 is to add a new chapter to the Hawaii Revised Statutes to provide for the management and control of nonpoint sources of water pollution, such as runoff from a field. The bill authorizes the Director of Health to address nonpoint source pollution in a variety of ways, including by making rules, developing plans, and promoting studies. Among other things, the bill authorizes the director to inspect buildings, areas, and records and to conduct tests. The bill imposes civil penalties of up to \$10,000 for each day of violation of rules adopted under the new chapter.

Unfortunately, the bill defines 'nonpoint source pollution' or 'NPSP' incorrectly. Earlier drafts of the bill defined 'nonpoint source pollution' to mean 'water pollution that does not originate from a single identifiable source,' but the bill as passed defines 'nonpoint source pollution' by copying from the federal definition of a 'point source,' which means 'any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.' The result is that the bill does not authorize the Director of Health to do what the Legislature intended. One specific consequence of the incorrect definition is that the Director of Health will lack the legal authority to spend funds under this chapter for the management and control of actual nonpoint source pollution.

Chapter 342D, Hawaii Revised Statutes, provides adequate authority for much of what the bill covers. Chapter 342D covers 'water pollution' generally and is not limited to point source water pollution. For example, section 342D-1, Hawaii Revised Statutes, defines 'water pollution' very broadly and without regard to whether it originates from a point or nonpoint source. However, the enactment of this bill with its incorrect definition of 'nonpoint source pollution' may result in confusion and may hinder current water pollution law enforcement efforts.

For the foregoing reasons, I am returning House Bill No. 3342 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. 3342, entitled, 'A Bill for an Act Relating to Water Pollution,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3342 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. 3342 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 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 122 transmitting his statement of objections to Senate Bill No. 2258 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 18, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2258

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. 2258, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance.'

This bill requires insurers to notify the directors of finance of the counties within thirty days of the cancellation or nonrenewal of a no-fault plicy. A county director of finance is required within thirty days to give written notice informing the owner of the motor vehicle of the owner's obligations pursuant to section 431:10C-114, Hawaii Revised Statutes. If the owner fails within thirty days of notification to surrender the registration certificate and license plates or to submit proof of no-fault insurance, the county director of finance is obligated to notify the county police department that the vehicle is to be cited and towed and stored at the owner's expense. A vehicle will be considered abandoned if not redeemed by its owner.

This bill imposes recordkeeping and notice requirements on the county directors of finance and also requires county police departments to target uninsured motor vehicles. However, no appropriation is made for these functions. Section 5 of Article VIII of the State Constitution requires that the State share in the cost of new programs imposed on any political subdivision. Therefore, this bill is in violation of that constitutional requirement.

For the foregoing reasons, I am returning Senate Bill No. 2258 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. 2258, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2258 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. 2258 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 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 123 transmitting his statement of objections to Senate Bill No. 2306 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 18, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2306

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. 2306, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance.'

This bill requires the Director of Finance of the City and County of Honolulu to establish an on-line computer network and data base between the director's office and all insurers for purposes of verifying the existence of no-fault insurance. The information in the data base is to be shared with the directors of finance for the other counties and with county law enforcement officials and is to be available for public inspection. This bill imposes new duties and requirements on the City and County of Honolulu but makes no appropriation for that purpose in violation of Section 5 of Article VIII of the State Constitution, which requires that the State share in the cost of new programs imposed on any political subdivision.

This bill also provides that insurers are responsible for updating the data base within thirty days of the cancellation or non-renewal of any policy. However, a vehicle is considered insured by the insurer until the data base is revised, thus imposing potential liability on an insurer even after the cancellation or non-renewal of a no-fault policy.

For the foregoing reasons, I am returning Senate Bill No. 2306 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. 2306, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2306 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. 2306 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 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 124 transmitting his statement of objections to Senate Bill No. 3278 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 18, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 3278

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. 3278, entitled, 'A Bill for an Act Making an Appropriation to Review the Laws Relating to Financial Institutions.'

This bill is intended to allow the completion of a comprehensive review of the State's laws governing financial institutions by appropriating funds and authorizing the Commissioner of Financial Institutions to collect funds from the affected institutions in amounts specified in this bill and to expend the collected funds for the purposes of this project. However, this bill also

contains an appropriation of \$2 out of the general fund for fiscal year 1992-1993, but fails to include the information required by Section 9 of Article VII of the State Constitution when the general fund expenditure ceiling is exceeded, as it was this year. Thus, the appropriation of \$2 is constitutionally invalid.

For the foregoing reasons, I am returning Senate Bill No. 3278 with the \$2 appropriation stricken from section 3 of the bill.

Respectfully,

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3278, entitled, 'A Bill for an Act Making an Appropriation to Review the Laws Relating to Financial Institutions,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, Senate Bill No. 3278 appropriates money for specific purposes; and

WHEREAS, a certain appropriation item in Senate Bill No. 3278 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. 3278 to the Legislature, with my objections to a certain appropriation item contained therein, as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of June, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 125 informing the House that on June 17, 1992, he signed the following bills into law:

House Bill No. 1180 as Act 224, entitled: "RELATING TO ABANDONED VEHICLES";

House Bill No. 1237 as Act 225, entitled: "RELATING TO COMPUTER CRIME";

House Bill No. 1509 as Act 226, entitled: "RELATING TO SPECIAL IMPROVEMENTS AND SERVICES";

House Bill No. 2505 as Act 227, entitled: "RELATING TO HOUSING";

House Bill No. 2544 as Act 228, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

House Bill No. 2597 as Act 229, entitled: "RELATING TO IMPORTATION";

House Bill No. 2680 as Act 230, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE REHABILITATION HOSPITAL OF THE PACIFIC";

House Bill No. 2720 as Act 231, entitled: "RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS";

House Bill No. 2808 as Act 232, entitled: "RELATING TO COUNTY LICENSES";

House Bill No. 2811 as Act 233, entitled: "RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT";

House Bill No. 2818 as Act 234, entitled: "RELATING TO LICENSING OF NURSES";

House Bill No. 3164 as Act 235, entitled: "RELATING TO INCOME TAX CREDITS";

House Bill No. 3277 as Act 236, entitled: "RELATING TO TAXATION";

House Bill No. 3295 as Act 237, entitled: "RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES";

House Bill No. 3563 as Act 238, entitled: "RELATING TO VEHICLES";

House Bill No. 3643 as Act 239, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 3838 as Act 240, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 3946 as Act 241, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

House Bill No. 3963 as Act 242, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 576 as Act 243, entitled: "RELATING TO TRAFFIC ACCIDENTS";

Senate Bill No. 1516 as Act 244, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

Senate Bill No. 2653 as Act 245, entitled: "RELATING TO SOLID WASTE";

Senate Bill No. 2674 as Act 246, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT AGENCY";

Senate Bill No. 2824 as Act 247, entitled: "RELATING TO EXEMPTION FOR NEW VEHICLES AND OFFICIAL VEHICLES";

Senate Bill No. 2826 as Act 248, entitled: "RELATING TO RENTAL ASSISTANCE";

Senate Bill No. 2851 as Act 249, entitled: "RELATING TO THE PROTECTION AND ADVOCACY SYSTEM";

Senate Bill No. 2885 as Act 250, entitled: "RELATING TO HOUSING";

Senate Bill No. 3100 as Act 251, entitled: "RELATING TO THE RECODIFICATION OF THE FINANCIAL INSTITUTIONS LAW"; and

Senate Bill No. 3186 as Act 252, entitled: "RELATING TO THE GENERAL EXCISE TAX".

Gov. Msg. No. 126 informing the House that on June 18, 1992, he signed the following bills into law:

House Bill No. 602 as Act 253, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2313 as Act 254, entitled: "RELATING TO DRIVER EDUCATION";

House Bill No. 2319 as Act 255, entitled: "RELATING TO THE CONSERVATION OF ENERGY";

House Bill No. 2780 as Act 256, entitled: "RELATING TO TOURISM";

House Bill No. 2784 as Act 257, entitled: "RELATING TO PUBLIC CONTRACTS";

House Bill No. 3022 as Act 258, entitled: "RELATING TO CONTRACTORS LICENSE BOARD";

House Bill No. 3084 as Act 259, entitled: "RELATING TO UNDERGROUND STORAGE TANKS";

House Bill No. 3121 as Act 260, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

House Bill No. 3332 as Act 261, entitled: "RELATING TO THE DISPERSAL REVIEW COUNCIL";

House Bill No. 3508 as Act 262, entitled: "RELATING TO THE RULE AGAINST PERPETUITIES";

House Bill No. 3533 as Act 263, entitled: "RELATING TO PUBLIC CONTRACTS";

House Bill No. 3843 as Act 264, entitled: "RELATING TO THE REGULATION OF CHLOROFLUOROCARBONS, HALONS, AND OTHER SYNTHETIC COMPOUNDS THAT DESTROY THE EARTH'S PROTECTIVE OZONE LAYER";

House Bill No. 3937 as Act 265, entitled: "RELATING TO PSYCHOLOGY";

Senate Bill No. 2296 as Act 266, entitled: "RELATING TO MOTOR VEHICLE ADVERTISING";

Senate Bill No. 2900 as Act 267, entitled: "RELATING TO THE AUTHORITY TO TRANSFER HAWAII STATE INMATES";

Senate Bill No. 3098 as Act 268, entitled: "RELATING TO SOLAR ENERGY";

Senate Bill No. 3271 as Act 269, entitled: "RELATING TO UNLICENSED ACTIVITY IN CONTRACTING"; and

Senate Bill No. 3278 as Act 270, entitled: "MAKING AN APPROPRIATION TO REVIEW THE LAWS RELATING TO FINANCIAL INSTITUTIONS". (Item Veto on Page 5)

Gov. Msg. No. 127 returning House Bill No. 599, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 599

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. 599, entitled, 'A Bill for an Act Relating to Courts.'

The purpose of House Bill No. 599 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 612-15, 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. Mandatory jury service by such people, particularly for lengthy trials, 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.

Moreover, the exemptions from jury service are optional. Those individuals who may claim an exemption, but who desire to serve on a jury, may choose to serve on a jury instead of claiming the exemption if they anticipate that their schedules and responsibilities will be able to accommodate their service on a jury.

For the foregoing reasons, I am returning House Bill No. 599 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. 599, 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. 599 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. 599 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 128 returning House Bill No. 2336, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2336

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. 2336, entitled, 'A Bill for an Act Relating to Recycling.'

This bill, laudable in purpose, seeks to encourage the development and application of environmentally sound conservation practices in the use of timber by requiring the publishers of newspapers in Hawaii with a circulation of 25,000 or more per day to utilize newsprint containing a percentage of recycled materials.

As legislation which is addressed solely to one segment of the media, however, this bill raises significant constitutional questions that warrant more careful debate and fact-finding prior to the enactment into law of a measure of this kind.

Given the importance of the constitutional questions underlying the unique treatment accorded to the print media by this bill, a prudent exercise of my constitutional responsibilities warrants a veto of this bill, with the hope that the Legislature, in a future session, will again be able to turn its energies to the subject of this bill. Specifically, I return this bill without my approval so that the Legislature, should it choose to take up this matter in the future, may make specific findings related to the standards set forth in the line of United States Supreme Court cases exemplified by Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue, 460 U.S. 575 (1983).

In particular, it would be helpful for the Legislature to make specific findings concerning any 'special characteristic of the press,' as that term is used in the Minnesota Star case, which, in the Legislature's judgment, could sustain legislation of this type in the face of questions concerning its validity.

In the meantime, it would be my hope that the print media, and all other businesses, make all feasible efforts on a voluntary basis both to use recycled print materials and to facilitate the recycling of materials which they produce.

For the foregoing reasons, I am returning House Bill No. 2336 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. 2336, entitled, 'A Bill for an Act Relating to Recycling,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2336 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. 2336 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 129 returning House Bill No. 2391, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2391

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. 2391, entitled, 'A Bill for an Act Relating to the Environmental Impact Statement System.'

The purposes of House Bill No. 2391 are to amend chapters 341 and 343, Hawaii Revised Statutes, to require the Director of Environmental Quality Control to review environmental impact statement (EIS) documents to identify issues for agency review and to monitor agency participation in review, to make each EIS address the cumulative impacts of proposed action; to require that environmental assessments (EAs) be performed for proposed uses within special management areas, as defined in section 205A-22, Hawaii Revised Statutes, and for any proposed use that may hurt critical habitats designated under the federal Endangered Species Act of 1973 (Public Law No. 93-205); to provide for dispute resolution regarding EAs; to authorize the Environmental Council to make rules to assist the Office of Environmental Quality Control (OEQC) in developing procedures for written comments on EAs and for dispute resolution, to help OEQC publish a periodic guidebook to explain the EIS process, and to assist OEQC in increasing public participation in the EIS process.

While the bill has many worthwhile features and while environmental review is important, the bill creates a significant risk of delaying projects indefinitely. The bill provides that any person who has commented in writing on an EA may appeal an agency determination of whether an EIS is required. This is an extremely dramatic change of existing law and practice and essentially gives standing to virtually every member of the public to challenge and potentially delay any decision made.

Compounding this is the fact that this bill does not specify when the dispute resolution procedure can or should be initiated, and the bill does not state how the use of that procedure relates to the existing section 343-7, Hawaii Revised Statutes, which limits the time within which lawsuits must be brought. My concern is that a person invoking this dispute resolution option might postpone indefinitely a final determination of the adequacy of a given EA because of the absence of time limits regarding the start, execution, and termination of the dispute resolution option. While it is important to properly assess projects, it is also important to come to decisions in a timely manner.

For the foregoing reasons, I am returning House Bill No. 2391 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. 2391, entitled, 'A Bill for an Act Relating to Environmental Impact Statement System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2391 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. 2391 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 130 returning House Bill No. 2571, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2571

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. 2571, entitled, 'A Bill for an Act Relating to Public Contracts.'

House Bill No. 2571 was enacted to improve and update the State's procurement law. It seeks to establish a fairer, and more equitable procurement law, and to increase efficiencies and accountability by utilizing provisions from the American Bar Association's Model Procurement Code as well as implementing some of the recommendations contained in the study of the State's procurement system which was initiated by my Administration and conducted with express appropriations therefor by Lallatin and Associates.

I welcome and wholeheartedly embrace the objectives of this bill. A comprehensive analysis and revision of our public procurement laws, practices, and procedures are long overdue and must be undertaken. Some of our laws have been with us, virtually unchanged, since their adoption in 1909.

To allow government and ultimately each member of our community to enjoy the benefits that today's marketplace of technologies is capable of providing, our laws must be made more precise so that we will continue to have confidence that 'competition,' the essence of public procurement, will secure not only the lowest price but also the product or service we want and need. To secure the marketplace's confidence in our public procurement practices and procedures, our laws must, as this bill does, provide for an appeal process, a compliance monitoring process, and a system of recordkeeping and documentation that capitalizes on the powerful data management and retrieval processes available to us today. This bill recognizes the need for flexibility to encourage competition and maximize efficiency and economies. I applaud the Legislature for recognizing these needs and acting to obviate or attain them.

To successfully accomplish all of this, however, we must proceed with a complete plan. No matter how well-intended, a short-range approach could be disastrous to the management of government services. It would be a critical mistake to develop a statewide procurement code that was based on anything less than a comprehensive view.

Accordingly, I cannot foresee anything other than gridlock resulting from the requirement that the Attorney General review every procurement, not every contract, of the executive branch of state government for compliance with the public procurement laws, and those of the Legislature, Judiciary, and all of the counties as well, should they make a similar request. I cannot imagine that any time a department or agency needed to obtain a pencil or a paper clip that it must obtain the approval of the Attorney General. This, however, is what the result would be if this bill were to become law.

I have equally strong reservations about the wisdom of imposing criminal sanctions for 'violations' of our procurement laws when the operative standards which our public servants must observe are described as 'does not admit of competition,' 'sole source,' 'not practicable or practicable but not advantageous' and the like. These very terms have had varying definitions over the years and yet this bill would impose a criminal penalty on an honest civil servant who followed a possibly incorrect interpretation. Because of this, we should not be surprised if formerly conscientious public servants suddenly are reluctant to exercise executive initiative and refuse to acquire the products and services that government needs to operate. This would clearly be understandable.

While the bill is a well-intended attempt at modernizing our public procurement laws, it is incomplete, and thus clearly misses the mark. It creates more ambiguities than it resolves. Further, no time is afforded us to develop and promulgate a myriad of administrative rules and day-to-day procedures needed to achieve the efficiencies and economies we seek. It is simply unworkable.

The system we devise must be responsive to the needs of all of our public agencies at both the state and county levels. It will not serve us well if it is merely a reaction to a particular procurement project that fell short of the mark and captured yesterday's headline. We have suffered too long under short-term 'fixes.'

It is also critical that consideration be given to the concerns of all of our state and county agencies and that each of them be allowed to participate in developing the procurement system that they will be responsible for implementing. None of that occurred in the formulation of this bill. Indeed, the counties, which will be affected perhaps even more so than the State, were not involved in any significant way during the legislative process.

Because I believe in the long run a more comprehensive approach will prove to be the wiser tact, I must reject this attempt at improving our public procurement system. However, the fact that this bill will not be enacted does not mean our combined efforts to improve the current system will be equally mired. Efforts are already underway to achieve our mutually held objectives. The Department of Accounting and General Services has developed a new administrative directive which tracks the provisions of section 3 of this bill. With more complete instructions than section 3 provides, the administrative directive describes when a procurement is exempt for purposes that do not admit of competition and when it is not. The different types of services to be procured by this exception are identified.

For the foregoing reasons, I am returning House Bill No. 2571 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. 2571, entitled, 'A Bill for an Act Relating to Public Contracts,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2571 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. 2571 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 131 returning House Bill No. 2614, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2614

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. 2614, entitled, 'A Bill for an Act Making an Appropriation for a Study of Support Services Provided to Victims of Domestic Violence and for the Creation of Victim Support Models in Each of the Counties.'

The purposes of House Bill No. 2614 are to identify and evaluate support services that are presently available to domestic violence victims, taking into account the different needs of the people on each of the islands, to identify the gaps in these services, and to make recommendations for the development of a model in each county that will assist victims in obtaining the support

services necessary to make the transition from the abusive situation and that will assist victims in dealing with the apprehension and prosecution of their abusers.

While the need of domestic violence victims for services ranging from intake evaluations, referrals to shelters and other transitional programs, and support in making the transition back to a safe and healthy living situation cannot be underestimated, this need is already clear from studies already completed and underway.

The Office of State Planning conducted such a study pursuant to Act 361, Session Laws of Hawaii 1989. That study, submitted in 1991 to the Legislature, developed a statewide plan for controlling violent behavior and included a review of existing statutes and proposals for new legislation, programs, and research.

In addition to the study conducted by the Office of State Planning, Act 258, Session Laws of Hawaii 1991, appropriated \$50,000 to the Hawaii State Commission on the Status of Women to conduct a study on domestic abuse for the purposes of disseminating information about abuse and the resources available to the victims of abuse, examining the causes of domestic violence and abuse, and recommending solutions to the problem of domestic abuse. The Commission is currently in the process of carrying out the provisions of Act 258.

In light of these studies, it is more than apparent that there is an ongoing need for services to the victims of domestic abuse. Rather than conducting further studies, the limited resources we have available should be channeled to providing these services. This is particularly true in light of the current economic condition of the state which dictates that resources must be allocated carefully to avoid duplication.

For the foregoing reasons, I am returning House Bill No. 2614 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. 2614, entitled, 'A Bill for an Act Making an Appropriation for a Study of Support Services Provided to Victims of Domestic Violence and for the Creation of Victim Support Models in Each of the Counties,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2614 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. 2614 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 132 returning House Bill No. 3215, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3215

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. 3215, entitled, 'A Bill for an Act Relating to State Buildings Violating Fire Codes.'

The purposes of this bill are to include state facilities under the jurisdiction of the respective county fire departments and to give the respective county fire departments the authority to inspect state facilities and, when a violation is not corrected within ten days, to impose an administrative fine of up to one hundred dollars each day until the violation is corrected.

Several concerns are raised by this bill. The first is that the State is not wilfully neglecting its duty to correct fire code violations and should not be dealt with in a punitive manner by the respective county fire departments. Indeed, the State has a record of commitment to working cooperatively with the counties in resolving fire safety problems in state facilities. The imposition of punitive measures against the State will not accelerate the process of correcting fire code violations. All efforts should be directed at improving conditions, not punishment for problems.

Second, the bill raises a question of whether the respective county fire departments will consistently apply each county's fire code standards on a statewide basis during their inspection of state facilities. There are presently four separate state codes involved, and varying degrees of interpretation and enforcement within these codes. The likelihood of differing standards in the various counties is significant, which could result in enormous additional costs and an inability to plan for fire safety on a statewide basis.

Third, this bill ignores the fact that under present law the county fire chiefs are already empowered and indeed mandated to make annual inspections of all schools and prepare a report of any areas where a building is found to be unsafe. See, Section 132-5, Hawaii Revised Statutes. Even with this existing authority, it appears that the county fire departments do not have the capacity to fulfill present responsibilities, and this bill would simply add to this problem without accomplishing the objective of improving fire safety.

Fourth, the bill does not address the notification process associated with a fire safety inspection. For example, in a recent inspection of Honolulu schools, many schools did not receive a copy of the fire inspection report

after the inspection, and were unable to correct fire code violations in a timely manner as a result.

Finally, the bill does not address the problem of reasonable time for correcting fire code violations. For example, presently the Department of Accounting and General Services is responsible for repairing and maintaining the Department of Education's schools. The period of time needed for obtaining the Department of Accounting and General Services' approval and for scheduling and performing the work necessary to correct the fire code violation frequently exceeds the time provided in the fire inspection report. Consequently, this bill will subject the State to daily fines of up to one hundred dollars that may amount to large sums of money during a period when severe budgetary constraints are being imposed, and all this will occur without a corresponding improvement in fire safety.

For the foregoing reasons, I am returning House Bill No. 3215 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. 3215, entitled, 'A Bill for an Act Relating to State Buildings Violating Fire Codes,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3215 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. 3215 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 133 returning House Bill No. 3246, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3246

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. 3246, entitled, 'A Bill for an Act Relating to Public Contracts.'

House Bill No. 3246 requires the State and the several counties to pay simple interest at twelve per cent per year to public employees who have not been reimbursed for work-related expenses within thirty days of the paying agency's receipt of the employee's statement of the delivery of goods or performance of services.

Although this bill is certainly well intended, in light of the sheer magnitude of claims that may result, there are serious concerns about the State's and the counties' ability to implement the requirements of this bill. We can expect potentially thousands of claims for small amounts, given the types of situations out of which interest payment claims would arise, e.g., per diem and travel payment adjustments, mileage reimbursements, authorized excess hotel cost reimbursements, and the manner in which these requests are currently processed. No funds have been appropriated to process or pay these interest claims, and state and county accounting systems could quickly become overwhelmed.

In my view, it would be more expeditious and economical to address this concern by including them in the amounts which public employees currently receive for per diem, and travel, mileage, and excess hotel cost reimbursements.

For the foregoing reason, I am returning House Bill No. 3246 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. 3246, entitled, 'A Bill for an Act Relating to Public Contracts,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3246 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. 3246 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 134 returning House Bill No. 3457, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3457

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. 3457, entitled, 'A Bill for an Act Relating to the Disposal of State Personal Property.'

House Bill No. 3457 centralizes the disposition of surplus non-perishable state personal property by sale by requiring the Comptroller to annually announce and auction the surplus property and requires that all proceeds from the sales be disposed of pursuant to section 106-22, Hawaii Revised Statutes.

Section 106-23, Hawaii Revised Statutes, established the State Surplus Property Revolving Fund, into which all proceeds from the public sale of surplus state property and handling fees collected from state agencies for the storage or disposal of surplus state property shall be deposited. The legislative committee reports on earlier drafts of the bill indicated the intent to have the proceeds of the sales authorized by this bill deposited in the State Surplus Property Revolving Fund. However, the bill as passed by the Legislature requires that the proceeds of the sales be disposed of pursuant to section 106-22, which requires the deposit of the proceeds to the credit of the general fund or a special fund, not the State Surplus Property Revolving Fund. Consequently, this bill appears to render section 106-23 unnecessary, a result that the Legislature does not seem to have intended.

The Comptroller presently has the power to sell surplus state personal property. It is his intent to bid or auction this property as is intended by this bill.

For the foregoing reasons, I am returning House Bill No. 3457 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. 3457, entitled, 'A Bill for an Act Relating to the Disposal of State Personal

Property,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3457 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. 3457 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 135 returning House Bill No. 3466, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3466

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. 3466, entitled, 'A Bill for an Act Relating to Fair Employment Practices.'

This bill seeks to make it unlawful for an employer to discriminate against an employee or prospective employee because the person engages in a legal activity off the employer's premises during nonworking hours. It also seeks to amend the definition of 'handicapped status' under chapter 378, Hawaii Revised Statutes, to include human immunodeficiency virus (HIV) seropositivity.

While these purposes are laudable, this bill, if enacted, would fundamentally invert the principles that have guided the Legislature in the past in enacting protections against workplace discrimination. Further, this bill fails to incorporate a clear provision ensuring all constitutional safeguards for religious organizations are in place. In view of this clear omission, it is likely this bill will result in considerable litigation. The very breadth of this change suggests that this legislation would almost immediately be challenged as unconstitutional.

For the foregoing reasons, I am returning House Bill No. 3466 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. 3466, entitled, 'A Bill for an Act Relating to Fair Employment Practices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3466 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. 3466 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 136 returning House Bill No. 3470, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3470

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. 3470, entitled, 'A Bill for an Act Relating to Collective Bargaining.'

The purpose of this bill is to require the Hawaii Labor Relations Board ('HLRB') to render its decisions on allegations of prohibited practices in public employment within ninety days of the conclusion of the hearing on the allegations.

I agree with the intent of the bill to provide that decisions should be issued expeditiously after the records in cases before HLRB are closed. However, administrative burdens and staffing problems that may result from the ninety-day time limit were not addressed in the bill. There is nothing to be gained by specifying a deadline that HLRB is neither staffed nor funded to be able to meet.

Moreover, although the bill provides for an extension of the ninety-day period 'if all parties agree and for good cause shown,' the bill fails to address the situation when one of the parties refuses to agree and the deadline is not met. In such a situation, it could be argued that this bill

divests HLRB of jurisdiction and that any HLRB decision rendered after the ninety-day period is void.

For the foregoing reasons, I am returning House Bill No. 3470 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. 3470, entitled, 'A Bill for an Act Relating to Collective Bargaining,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3470 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. 3470 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 137 returning House Bill No. 3564, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3564

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. 3564, entitled, 'A Bill for an Act Relating to Housing.'

The purposes of House Bill No. 3564 are to return to the general fund \$120,000,000 previously advanced to the homes revolving fund established under section 201E-207, Hawaii Revised Statutes, and to replenish the homes revolving fund with the proceeds from the issuance of \$120,000,000 in general obligation bonds.

This bill does not appropriate or authorize the issuance of \$120,000,000 in general obligation bonds. However, this appropriation and authorization is accomplished by House Bill No. 2454 and House Bill No. 521. Further, the repayment provision of this bill is substantively identical to provisions contained in House Bill No. 2454. Consequently, there is no necessity to approve this bill.

For the foregoing reason, I am returning House Bill No. 3564 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. 3564, entitled, 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3564 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. 3564 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 138 returning House Bill No. 3672, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3672

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. 3672, entitled, 'A Bill for an Act Relating to Health Benefits.'

The purpose of House Bill No. 3672 is to provide health insurance coverage for certain short-term,

emergency or temporary public employees who meet specified durational employment requirements through inclusion in the Hawaii Public Employees Health Fund.

While the objective of this bill is to be praised, the bill raises numerous concerns. First, no appropriation is made to implement this bill which will take significant funding. Moreover, the financial impact of this bill apparently is understated, particularly in view of a recent Department of Health survey that indicated that nearly twice as many emergency hire employees than were previously estimated would participate in the Health Fund programs. Second, there is no provision in the bill or other appropriation for the increased operational needs and costs of the Health Fund to implement this bill.

Third, the requirement that after July 1, 1993, all employees must pay in advance the employee's share of insurance premiums would create two payment schemes: continuation of the payment in arrears through payroll deductions for employees hired prior to that date and prepayment for employees hired thereafter. Fourth, there is an internal conflict in the language describing persons included and excluded from eligibility, particularly as affecting teachers. Finally, given these current economic times, it is imprudent to mandate a new program without an appropriation, and this bill inappropriately assumes an appropriation will be made in the next biennium.

For the foregoing reasons, I am returning House Bill No. 3672 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. 3672, entitled, 'A Bill for an Act Relating to Health Benefits,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3672 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. 3672 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 139 returning House Bill No. 3725, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3725

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. 3725, entitled, 'A Bill for an Act Relating to Eminent Domain.'

The purpose of House Bill No. 3725 is to require the State and counties to first offer to sell to the original landowner land originally acquired by eminent domain, by deed under threat of eminent domain, or by gift or dedication, if the land is no longer needed for the original purpose it was acquired for.

This bill, however, is objectionable because it could have the unintended effect of paralyzing the disposition of state lands and at the same time drawing into question, or at least limiting, the clear power of the state to utilize condemned property for a public use not necessarily the same as the original public use for which it was condemned. Clearly, it is not uncommon for the State to use land originally condemned for a park for a school, and vice versa.

On a practical basis, this bill would place an undue burden upon the State and counties by requiring them to find 'heirs, residual beneficiaries, successors, or assigns' of original landowners if the original landowners have died. Moreover, the original landowners or their successors would be unjustly enriched because this bill requires that the land be sold back at the same price originally paid by the State or counties, regardless of whether the land had appreciated in value.

For the foregoing reasons, I am returning House Bill No. 3725 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. 3725, entitled, 'A Bill for an Act Relating to Eminent Domain,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3725 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. 3725 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 140 transmitting his statement of objections to Senate Bill No. 1526 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1526

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. 1526, entitled, 'A Bill for an Act Relating to Public Utilities.'

This bill is intended to exempt persons providing shared telecommunication services in hotels and hotel-condominium complexes from regulation by the Public Utilities Commission (PUC).

The quality of telecommunications services provided to the visitor industry and the impact such services may have on economic development are important considerations. Due consideration, however, must also be given to the impact of this bill on the quality and cost of local telephone services, the current regulatory environment, as well as the provisions in the bill itself.

Without question, the telecommunications industry has experienced major changes in the last decade. While these changes have brought about new services and benefits, the changes have also been a source of regulatory concern.

The Legislature has recognized the need for this State to garner the benefits of the changes in the telecommunications industry while still allowing the State to maintain a degree of regulatory oversight. This recognition is plainly evidenced by the provisions in section 269-16.9, Hawaii Revised Statutes, enacted in 1990. A key feature of section 269-16.9 is that it empowers the Public Utilities Commission with the discretion to exempt a telecommunications provider or service, in whole or in part, from regulation by the Commission where such an exemption is warranted after consideration of certain specified factors. This bill, however, accords a full regulatory exemption to certain persons without consideration of factors such as the impact of the exemption on the quality and cost of local telephone service, or other policy and regulatory objectives.

Section 269-16.9 also allows the Commission to reassert jurisdiction over exempt providers where such regulatory action is warranted by the circumstances. This bill does not provide such an avenue should future circumstances warrant regulatory action.

At this time, the Commission is in the process of preparing rules to implement section 269-16.9. Moreover, the Commission has opened a docket to investigate the appropriateness of proposed tariffs focusing on the specific persons and services addressed by this bill.

I believe the provisions of section 269-16.9 and the current efforts of the Commission should not be set aside at this time.

For the foregoing reasons, I am returning Senate Bill No. 1526 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. 1526, entitled, 'A Bill for an Act Relating to Public Utilities,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1526 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. 1526 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 141 transmitting his statement of objections to Senate Bill No. 2770 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2770

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. 2770, entitled, 'A Bill for an Act Relating to Contractors.'

The purpose of Senate Bill No. 2770 is to regulate underground storage tank (UST) consultants and contractors. The bill would prohibit any person from performing underground storage tank work unless acting under the direct supervision of a geologist or a licensed engineer or architect who agrees in writing to be accountable for the work. The bill amends chapter 444 (titled, 'Contractors'), Hawaii Revised Statutes, administered by the Contractors License Board of the Department of Commerce and Consumer Affairs, but provides for rules to be promulgated by the Department of Health.

The Department of Health lacks the resources and expertise to promulgate rules regulating contractors. In addition, although a geologist or a licensed engineer or architect may oversee and take responsibility for UST work, currently, geologists are not licensed or regulated by the State. There is no evidence that all geologists can be held accountable to supervise and answer for the UST work. It is also probable that significant problems of insurance availability and affordability would be encountered by the responsible professionals. Considerable difficulties would be encountered in implementing and administering this bill.

I share the Legislature's view that further protection is needed for the persons who engage the services of UST contractors and consultants, and for the general public in assuring the soundness of underground storage facilities. However, the provisions of Senate Bill No. 2770 would create unnecessary difficulties and administrative conflicts in attempting to achieve this goal and, particularly with regard to oversight and responsibility by geologists for UST work, the protection may be illusory.

For the foregoing reasons, I am returning Senate Bill No. 2770 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. 2770, entitled, 'A Bill for an Act Relating to Contractors,' was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2770 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. 2770 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 142 transmitting his statement of objections to Senate Bill No. 3398 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 19, 1992

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 3398

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. 3398, entitled, 'A Bill for an Act Making an Appropriation for Activities to Increase the Transfer of International Technologies and Businesses to Hawaii.'

This bill appropriates \$200,000 to initiate activities to increase the transfer of international technologies and businesses to the State.

The State already has significant resources committed to a number of agencies that are involved in various ways in international technologies and business transfer. Resources have been provided to the Pacific International Center for High Technology Research, the Office of Technology Transfer and Economic Development, the High Technology Development Corporation, the Office of International Relations, and the International Business Center of Hawaii to stimulate international trade, technology transfer, and investments for a number of years. Consequently, the need for the additional funding provided by this bill does not appear warranted.

Moreover, even if additional funding were warranted, in the current economic situation, it is unlikely that the revenues during fiscal year 1992-1993 will be sufficient to provide the additional funding.

For the foregoing reasons, I am returning Senate Bill No. 3398 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. 3398, entitled, 'A Bill for an Act Making an Appropriation for Activities to Increase the Transfer of International Technologies and Businesses to Hawaii,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3398 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. 3398 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, 1992.

/s/ John Waihee

JOHN WAIHEE
Governor of Hawaii"

Gov. Msg. No. 143 informing the House that on June 19, 1992, he signed the following bills into law:

Senate Bill No. 2997 as Act 271, entitled: "MAKING AN APPROPRIATION FOR IMPLEMENTATION OF THE KAHUKU FLOOD RELIEF MASTER PLAN";

Senate Bill No. 3247 as Act 272, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

House Bill No. 3303 as Act 273, entitled: "RELATING TO THE INVESTIGATING POWERS OF THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS";

Senate Bill No. 3116 as Act 274, entitled: "RELATING TO PUBLIC CONTRACTS";

House Bill No. 2131 as Act 275, entitled: "RELATING TO EMPLOYMENT PRACTICES";

House Bill No. 2318 as Act 276, entitled: "RELATING TO LEGISLATIVE VACANCIES";

House Bill No. 2320 as Act 277, entitled: "MAKING AN APPROPRIATION FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTES";

House Bill No. 2431 as Act 278, entitled: "RELATING TO CULTURE AND THE ARTS";

House Bill No. 2719 as Act 279, entitled: "RELATING TO HOMELESS PROGRAMS";

House Bill No. 3396 as Act 280, entitled: "RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION";

House Bill No. 3400 as Act 281, entitled: "RELATING TO THE WAGES AND HOURS";

House Bill No. 3787 as Act 282, entitled: "RELATING TO IMPACT FEE AUTHORIZATION";

House Bill No. 3944 as Act 283, entitled: "RELATING TO LAND USE";

Senate Bill No. 276 as Act 284, entitled: "RELATING TO NONDEGRADABLE SOLID WASTE"; and

Senate Bill No. 2407 as Act 285, entitled: "MAKING AN APPROPRIATION TO MARK THE ONE HUNDREDTH ANNIVERSARY OF THE OVERTHROW OF QUEEN LILIUOKALANI AND TO DISCUSS ISSUES OF HAWAIIAN SOVEREIGNTY".

Gov. Msg. No. 144 informing the House that on June 29, 1992, he signed the following bills into law:

Senate Bill No. 1843 as Act 286, entitled: "RELATING TO FIREARMS";

House Bill No. 3903 as Act 287, entitled: "RELATING TO FIREARMS";

House Bill No. 2871 as Act 288, entitled: "RELATING TO FIREARMS";

Senate Bill No. 2592 as Act 289, entitled: "RELATING TO THEFT";

House Bill No. 3854 as Act 290, entitled: "RELATING TO DOMESTIC ABUSE";

House Bill No. 2604 as Act 291, entitled: "RELATING TO DISTRICT COURT";

Senate Bill No. 3354 as Act 292, entitled: "RELATING TO HARASSMENT";

House Bill No. 2612 as Act 293, entitled: "MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A MODEL FOR THE COLLECTION OF DATA REGARDING THE VICTIMS OF HATE CRIMES";

House Bill No. 2123 as Act 294, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2253 as Act 295, entitled: "RELATING TO EDUCATION";

House Bill No. 3493 as Act 296, entitled: "MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF SCHOOLS";

House Bill No. 2828 as Act 297, entitled: "RELATING TO SCHOOL EMPLOYEES";

Senate Bill No. 3432 as Act 298, entitled: "RELATING TO SCHOOLS"; and

House Bill No. 3934 as Act 299, entitled: "RELATING TO EDUCATION".

Gov. Msg. No. 145 informing the House that on June 30, 1992, he signed the following bills into law:

House Bill No. 2454 as Act 300, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 2705 as Act 301, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 3184 as Act 302, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 3107 as Act 303, entitled: "RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING";

House Bill No. 2400 as Act 304, entitled: "RELATING TO MORTGAGE INSURANCE";

House Bill No. 3100 as Act 305, entitled: "RELATING TO HOUSING DEVELOPMENT";

Senate Bill No. 2858 as Act 306, entitled: "RELATING TO HOUSING";

Senate Bill No. 2867 as Act 307, entitled: "RELATING TO AFFORDABLE HOUSING";

Senate Bill No. 2868 as Act 308, entitled: "RELATING TO THE FINANCING OF AFFORDABLE RENTAL HOUSING";

House Bill No. 1346 as Act 309, entitled: "RELATING TO AFFORDABLE HOUSING";

House Bill No. 2504 as Act 310, entitled: "RELATING TO MUTUAL HOUSING";

Senate Bill No. 2964 as Act 311, entitled: "RELATING TO RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM";

House Bill No. 2843 as Act 312, entitled: "RELATING TO HEARING AND VISION DEFICIENCIES";

House Bill No. 3982 AS Act 313, entitled: "RELATING TO DIAMOND HEAD"; and

House Bill No. 3032 as Act 314, entitled: "RELATING TO MOTOR VEHICLE WARRANTIES".

Gov. Msg. No. 146 informing the House that on July 1, 1992, he signed the following bills into law:

House Bill No. 521 as Act 315, entitled: "RELATING TO STATE BONDS";

Senate Bill No. 2855 as Act 316, entitled: "RELATING TO HAWAIIAN HOME LANDS";

Senate Bill No. 2638 as Act 317, entitled: "RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS"; and

Senate Bill No. 2485 as Act 318, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS".

Gov. Msg. No. 147 informing the House that on July 6, 1992, he signed the following bills into law:

House Bill No. 1048 as Act 319, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

House Bill No. 2323 as Act 320, entitled: "RELATING TO REAPPORTIONMENT";

House Bill No. 3179 as Act 321, entitled: "RELATING TO VOTING SYSTEMS"; and

House Bill No. 3726 as Act 322, entitled: "RELATING TO STANDARDS OF CONDUCT".

Gov. Msg. No. 148 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 without his signature:

House Bill No. 3658 as Act 323, entitled: "RELATING TO VETERANS WAR MEMORIALS".

Gov. Msg. No. 149 transmitting copies of the **Peer Education Program Annual Report 1990 - 1991**, which outlines the progress of the adolescent preventive health

program which is a partnership of the State Departments of Health and Education, funded by the State Legislature.

Gov. Msg. No. 150 transmitting copies of a report on the Rent Supplement Program and a portion of the Section 8 Program.

Gov. Msg. No. 151 transmitting copies of the Kaneohe Bay Master Plan, prepared by the Kaneohe Bay Master Plan Task Force, for the Office of State Planning (OSP), pursuant to Act 208, Session Laws of Hawaii 1990.

Gov. Msg. No. 152 transmitting copies of the 1991-92 Hawaii Marine Directory prepared by the Department of Business, Economic Development and Tourism.

**DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Dept. Com. No. 2 from Esther Ueda, Executive Officer, Land Use Commission, Department of Business, Economic Development and Tourism, acknowledging receipt of House Resolution No. 363, requesting that a comprehensive review of Chapter 183, HRS, be conducted to clarify the Department of Land and Natural Resources' role in the sub-zoning and regulation of uses within the Conservation District.

Dept. Com. No. 3 from Esther Ueda, Executive Officer, Land Use Commission, Department of Business, Economic Development and Tourism, acknowledging receipt of House Concurrent Resolution No. 293, HD 1, SD 1, requesting that the Board of Land and Natural Resources consider a subzone classification of "Protective" for lands at Waikane Valley designated as TMK No. 4-8-06:1, and to deny any request for golf course development on the property.

**MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Misc. Com. No. 1 from Thomas T. Melvin, Assembly Chief Clerk, Wisconsin State Assembly, transmitting Assembly Joint Resolution 27, requesting appropriate action by the Congress to propose an amendment to the U.S. Constitution prohibiting the physical desecration of the flag of the United States.

Misc. Com. No. 2 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 86, SD 1, regarding the issue of Federal Impact Aid Funds.

Misc. Com. No. 3 from Laurence Vogel, Chairman, Hawaii Business Roundtable, Inc., acknowledging receipt of a copy of House Concurrent Resolution No. 56.

Misc. Com. No. 4 from Mark Stephenson, Assistant to the Secretary and Director of Communications, United States Department of the Interior, acknowledging receipt of a copy of House Resolution No. 312, HD 1, regarding the establishment of a safety education program on the hazards related to traveling the slopes of Mauna Kea, Mauna Loa and Haleakala.

Misc. Com. No. 5 from Solita M. Aguirre, Consul General of the Philippines, acknowledging receipt of House Resolution No. 94, relating to the easing of restrictions on the immigration of citizens from the Philippines who venture to the United States as domestic and agricultural workers.

Misc. Com. No. 6 from Patrick H. De Leon, Administrative Assistant to the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of copies of resolutions expressing the House's support for ensuring that sufficient staff is provided to the State Department of Health's Office of Hawaiian Health; and that a particular drug, RU-486 be made available for appropriate research and clinical trials within the United States.

Misc. Com. No. 7 from Jimmie R. Lackey, Colonel, U.S. Army, Deputy Chief of Staff for Operations and Plans, acknowledging receipt of House Concurrent Resolution No. 100, HD 1, relating to Johnston Island.

Misc. Com. No. 8 from the Honorable Linda Crockett Lingle, Mayor, County of Maui, acknowledging receipt of House Resolution No. 153, HD 1, regarding the establishment of pilot salvaging projects at landfill sites or at transfer stations.

Misc. Com. No. 9 from D.A. Albrecht, Captain, JAGC, U.S. Navy, Fleet Judge Advocate, acknowledging receipt of House Concurrent Resolution No. 36, HD 1.

Misc. Com. No. 10 from Terry L. Spieler, Secretary of the Missouri Senate, transmitting a copy of Senate Concurrent Resolution No. 24, relating to the "Help Yourself, Buy American" effort.

Misc. Com. No. 11 from Patricia R. Fowler, Director, Housing and Services, Office of the Assistant Secretary of Defense, acknowledging receipt of a copy of House Resolution No. 86, requesting Congress of the United States to provide Federal Housing Impact Aid Funds for infrastructure development and construction of housing units for military dependents.

Misc. Com. No. 12 from Laurence Vogel, Chairman, Hawaii Business Roundtable, Inc., acknowledging receipt of a copy of House Resolution No. 146, HD 1.

Misc. Com. No. 13 from Carl-August Fleischhauer, Under-Secretary-General for Legal Affairs, The Legal Counsel, United Nations, acknowledging receipt of a copy of House Concurrent Resolution No. 424, relating to drift-net fishing.

Misc. Com. No. 14 from Steven N. Kleiman, Deputy Director, Base Closure and Utilization, Office of the Assistant Secretary of Defense, acknowledging receipt of House Concurrent Resolution No. 230.

Misc. Com. No. 15 from Kensaku Hogen, Consul General of Japan, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 16 from Patrick H. De Leon, Administrative Assistant to the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 167, HD 1, requesting the planning and development of aeromedical evacuation support services statewide.

Misc. Com. No. 17 from Stanley T. Albright, Regional Director, Western Region, United States Department of the Interior, acknowledging receipt of House Concurrent Resolution No. 230, HD 1, relating to the Diamond Head National Natural Landmark.

Misc. Com. No. 18 from Charles P. Pray, President of the Senate, State of Maine, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 19 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Resolution No. 137, HD 1, regarding ocean use conflicts between tug vessels and recreational boats.

Misc. Com. No. 20 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 224, HD 1, relating to the reversion of condemned property when it is taken out of public use for which it was condemned.

Misc. Com. No. 21 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of copies of House Concurrent Resolution No. 154, requesting the counties to consider restricting or banning green waste in landfills, and devising alternative methods of its disposal as a part of their integrated solid waste management plans; and House Resolution No. 153, HD 1, requesting the establishment of pilot salvaging projects at county landfills.

Misc. Com. No. 22 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 85, HD 1, SD 1, urging the counties to evaluate and revise existing zoning ordinances and building codes to increase population densities in areas zoned for urbanization and to allow the use of state-of-the-art technology to make homes resource self-sufficient and less burdensome on infrastructure systems.

Misc. Com. No. 23 from John L. Martin, Speaker of the House, State of Maine, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD 1, urging the United States and Japan to join in a bilateral effort to condemn "Japan-Bashing" and "American-Bashing."

Misc. Com. No. 24 from Michael H. Armacost, Ambassador of the United States of America, Tokyo, acknowledging receipt of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 25 from Donald M. Topping, Director, Social Science Research Institute, University of Hawaii at Manoa, acknowledging receipt of a copy of House Resolution No. 377, HD 1, relating to highway safety.

Misc. Com. No. 26 from F. Carvel Payne, Director, Department of Legislative Reference, General Assembly of Maryland, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD1, relating to "Japan-Bashing" and "America-Bashing."

Misc. Com. No. 27 from Russell S. Kokubun, Chairman, Hawaii County Council, acknowledging receipt of House Resolution Nos. 150, HD 1; 153, HD 1; 154; 217; 292, HD 1; 298, HD 1; and 392, HD 1.

Misc. Com. No. 28 from Bonnie Derwinski, Director, Congressional and Public Affairs, U.S. Department of Justice, Immigration and Naturalization Service, acknowledging receipt of House Concurrent Resolution No. 215, HD 1, regarding the granting of citizenship to Filipinos who served alongside American forces in World War II and their families.

Misc. Com. No. 29 from Joseph Dini, Jr., Speaker, State of Nevada Assembly, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 30 from Robert Melland, Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, acknowledging receipt of House Resolution No. 298.

Misc. Com. No. 31 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 180, HD 1, requesting the planning and development of aeromedical evacuation support services statewide.

Misc. Com. No. 32 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 314, HD 1.

Misc. Com. No. 33 from Thomas V. Mike Miller, Jr., President, Senate of Maryland, acknowledging receipt of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 34 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Resolution No. 173, HD 1, requesting the Office of State Planning, the Department of Transportation, the Department of Health and the counties to work with the Housing Finance and Development Corporation coordinated by the Committee on Housing of the House of Representatives to study the feasibility of establishing a housing physical resources development group and fund.

Misc. Com. No. 35 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Resolution No. 392, HD 1, requesting the provision of emergency housing shelters for low-income and homeless individuals and families who have access to building sites on Department of Hawaiian Home Lands.

Misc. Com. No. 36 from Daryl T. Yamamoto, County Clerk, County of Maui, acknowledging receipt of a copy of House Resolution No. 298, HD 1, requesting the creation of a County/State task force to coordinate and complement each entity's activities in geographic

information system's database development and applications.

Misc. Com. No. 37 from Robert Melland, Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, acknowledging receipt of House Resolution No. 15, relating to the brown tree snake from becoming established in Hawaii.

Misc. Com. No. 38 from Tatsuki Shiramizu, Secretary of the Board of Regents, University of Hawaii, acknowledging receipt of House Resolution Nos. 63; 195, HD 1; 227; 268, HD 1; 276; 312, HD 1; 323, HD 1; 341, HD 1; 342; and 382, HD 1.

Misc. Com. No. 39 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Resolution No. 81, SD 1.

Misc. Com. No. 40 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Resolution No. 86, SD 1.

Misc. Com. No. 41 from David A. Kessler, M.D., Commissioner of Food and Drugs, Department of Health and Human Services, acknowledging receipt of House Concurrent Resolution No. 34.

Misc. Com. No. 42 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, acknowledging receipt of House Concurrent Resolution No. 360, HD 1.

Misc. Com. No. 43 from R.C. Stempel acknowledging receipt of House Concurrent Resolution No. 280.

Misc. Com. No. 44 from Vern Riffe, Speaker, Ohio House of Representatives, acknowledging receipt of House Concurrent Resolution No. 280.

Misc. Com. No. 45 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Concurrent Resolution No. 300, HD 1.

Misc. Com. No. 46 from Samuel B. Nunez, Jr., President of the Senate, State of Louisiana, acknowledging receipt of a copy of House Concurrent Resolution No. 280, SD 1.

Misc. Com. No. 47 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of a House resolution.

Misc. Com. No. 48 from the Honorable Linda Crockett Lingle, Mayor, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 154, requesting the counties consider restricting or banning green waste from landfills.

Misc. Com. No. 49 from John A. Wilson, Chairman, Council of the District of Columbia, acknowledging receipt of House Resolution No. 280, SD 1, urging the United States and Japan to join in ceasing and condemning both "Japan-bashing" and "America-bashing."

Misc. Com. No. 50 from Robert E. Kramek, Rear Admiral, U.S. Coast Guard, Acting Commandant, acknowledging receipt of a copy of House Resolution No. 180, HD 1.

Misc. Com. No. 51 from Shirley M. Green, Deputy Assistant to the President for Presidential Messages and Correspondence, The White House, acknowledging receipt of House Resolutions 20 and 90.