

IN MEMORIUM



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of the

HOUSE OF REPRESENTATIVES

of the

**EIGHTEENTH LEGISLATURE
STATE OF HAWAII**

SPECIAL SESSION OF 1995

Convened Monday, June 5, 1995

Adjourned Friday, June 9, 1995

CERTIFICATE

We hereby certify that the minutes for each day's session as appears in this House Journal are true and correct and that the original copies have been duly signed by the Speaker and Clerk of the House of Representatives and are on file in the Archives of the State of Hawaii.


Speaker, House of Representatives

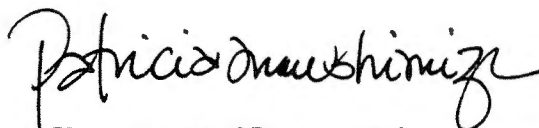

Clerk, House of Representatives

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THE
EIGHTEENTH LEGISLATURE
STATE OF HAWAII
FIRST SPECIAL SESSION OF 1995
JOURNAL OF THE HOUSE

FIRST DAY

Monday, June 5, 1995

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the House of Representatives of the Eighteenth Legislature of the State of Hawaii convened in Special Session on Monday, June 5, 1995.

The Honorable Joseph M. Souki, member of the Eighth District, he having been elected Speaker of the House of Representatives on the Opening Day of the Eighteenth Legislature and retaining that position under the provision of Rule 1.5 of the Rules of the House of Representatives called the House to order at 10:15 o'clock a.m.

The invocation was delivered by Representative Terry Nui Yoshinaga, after which the Roll was called showing all members present with the exception of Representatives Herkes, Pepper, Takamine and Takumi, who were excused.

GOVERNOR'S MESSAGE

Gov. Msg. No. 1-S, transmitting the Proclamation convening the Legislature of the State of Hawaii in special session on Monday, June 5, 1995, at 10:00 o'clock a.m., which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

June 5, 1995

The Honorable Joseph M. Souki, Speaker,
and Members of the House of Representatives
Eighteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Transmitted herewith is the Proclamation convening the Legislature of the State of Hawaii in special session on Monday, June 5, 1995, at 10:00 a.m.

With warmest personal regards,,

Aloha,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO

Enclosure

P R O C L A M A T I O N

WHEREAS, under Section 10 of Article III of the Constitution of the State of Hawaii, the Governor may

convene both houses of the Legislature or the Senate alone in special session; and

WHEREAS, the Governor believes that certain appropriation bills passed during the Regular Session of 1995 were passed in violation of the requirements of Section 9 of Article VII of the State Constitution and cannot validly become law.

WHEREAS, the Governor believes that the affected bills involve important appropriations that require immediate consideration by the Legislature;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State 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 convene both houses of the Legislature of the State of Hawaii in special session on Monday, the 5th day of June, 1995, at 10 o'clock a.m., for the consideration of special session bills to replace the bills affected by the inadvertent tardy transmittal of the general appropriations bill passed during the Regular Session of 1995.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1995.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Margery S. Bronster

MARGERY S. BRONSTER
Attorney General"

"At 10:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

ORDER OF THE DAY

INTRODUCTION OF BILLS

Representative Amaral moved that all bills laying on the Clerk's desk pass First Reading by title and be referred to Printing, seconded by Representative Thielen and carried.

Representative Thielen rose and requested waiver of the 48-hour notice "on the two bills -- House Bills Nos. 21-S and 22-S -- relating to taxes and relating to tax credits and ask that they be referred to the Finance Committee today for a hearing."

The Chair denied the waiver.

Representative Ward rose on a point of order and stated:

"Is there anything in the House Rules that says that once a bill is on the Clerk's desk, it does not automatically pass First Reading?"

The Chair responded:

"It has passed First Reading; in fact all bills have passed First Reading."

At 10:24 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:25 o'clock a.m., the Chair stated:

"All bills that are laying on the Clerk's desk have passed First Reading by title on this day and will be referred to the Committee on Finance."

Representative Thielen rose on a point of information and asked:

"Am I correct that House Bill No. 21-S and House Bill No. 22-S are referred to the Finance Committee?"

The Chair answered in the affirmative.

Representative Thielen continued, asking:

"And does that mean, Mr. Speaker, that you have granted the request for the 48-hour waiver notice?"

The Chair answered:

"No, I have not, Representative. I merely stated that the bills are being referred to the Committee on Finance."

Representative Thielen: "Then I have a further point of information, Mr. Speaker."

Asked to "state your point," Representative Thielen thanked the Chair and stated:

"Mr. Speaker, we want to have the bills heard at least.

The Chair interrupted and said:

"Your point is out of order, Representative."

Representative Thielen: "Mr. Speaker, may I state my point of information? I am not clear as to your ruling."

The Chair answered:

"Your request is premature."

Representative Thielen asked:

"May I state what it is, sir, before you decide it is premature."

"The Chair called Representative Thielen out of order, saying:

"Your request as to the waiver of the 48-hour notice is premature."

"Representative Thielen: "I have a request for information from you, Mr. Speaker."

Asked to "state your request," Representative Thielen thanked the Chair and asked:

"Mr. Speaker, these two bills -- 21-S and 22-S. . .

The Chair interrupted and said:

"You're out of order, Representative."

Representative Thielen responded:

"Mr. Speaker, I haven't finished my sentence."

The Chair interrupted and called on Representative Amaral.

Representative Thielen asked:

"Mr. Speaker, may I complete my point of information, please?"

The Chair responded:

"Representative, you have stated it three times. I will have to call you from the floor."

Representative Okamura rose and asked for a recess and at 10:27 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:29 o'clock a.m., the Chair recognized Representative Thielen and she stated:

"Thank you, Mr. Speaker.

"Mr. Speaker, because this is a special session, I do have a point of information and I would appreciate it if you could clarify this for me.

"As I understand it, because it is a special session, these last two bills -- House Bills 21-S and 22-S -- you have now referred those to the Finance Committee, as I understand what you just did."

The Chair answered: "That is correct."

Representative Thielen continued:

"And, Mr. Speaker, if you do not grant a 48-hour waiver, does this mean that those bills are dead right now, or will not have a hearing?"

The Chair answered:

"That is correct, Representative."

Representative Thielen: "Mr. Speaker, I would like to speak to that issue then."

The Chair answered:

"You're premature in speaking to that issue. A motion has not been made as to the referral to the particular committees as far as the public hearing is concerned. When we come to that point, you can then speak on it."

Representative Thielen: "I appreciate that, Mr. Speaker. . .

Chair: "You're premature. If you're going to continue to discuss that same issue right now, I'm going to call you out of order."

Representative Thielen: "I appreciate that, Mr. Speaker, but without the 48-hour waiver, does this mean,

even though the bills are being referred to the committee, that they cannot then be acted upon?"

Chair: "For the second time, yes. They cannot be acted upon. You asked the question; I have answered you."

Representative Thielen: "My last final question is ... when is it appropriate to speak to that decision of the Speaker of the House?"

Chair: "I will inform you."

Representative Thielen: "Today, Mr. Speaker, in this session I mean."

Chair: "Yes, Representative."

SUSPENSION OF RULES

Representative Amaral moved to suspend the rules of the House for the purpose of having decision-making and reporting of bills by committee for House Bills Nos. 1-S to 19-S, seconded by Representative Thielen.

Representative Ward rose to speak against the motion, stating:

"The point is, I spoke to the Attorney General and according to the Constitution, Mr. Speaker and fellow Representatives, not only is the openness of decision-making a requirement according to the Constitution, but in order to arrive at openness public hearings must be held.

"Now, if we want to go against the Constitution, we can do what exactly the Majority Floor Leader has proposed, and that is to go into decision-making. However, there's some people in the community who would like for their input, not necessarily into my colleagues' bills as just mentioned, but others as, for example, the OHA budget is still flat and other budgets have gone up, et cetera.

"So, for that reason, Mr. Speaker and others, if we are going to be open, let's be open and have those public hearings. Therefore, I would suggest to others to vote against this motion."

Representative Okamura then rose to speak in favor of the motion, stating:

"To clarify the Attorney General's opinion on public hearings, the Constitution does not require the legislative bodies to require public hearings. What it does require is that we have public and open decision-making.

"Thank you."

Representative Kawanakoa then rose to speak against the motion, stating:

"I just wanted to mention that there were two bills introduced by the Minority Caucus -- House Bills 21-S and 22-S. Our purpose was to give them a public hearing to allow people to give some input and I just find it a little dismaying that the other bills -- 1-S to 19-S -- are all getting the waiver of the 48-hour notice but we just heard that it would be inappropriate for special session bills 21-S and 22-S.

"Perhaps if there is a reason for the difference, I would be willing to change my opinion, but at this moment I don't see the difference.

"Thank you."

Representative Amaral then rose to speak in support of the motion, stating:

"I also speak to clarify further the nature of the motion. In fact, Mr. Speaker, I believe that the issues as codified by House Bills 1-S to 19-S have been published as early as Friday and disseminated. People have had more than sufficient time to read them and to see the contents. This is content that in fact was dealt with substantially in our regular session through which open public hearings took place and comment was solicited.

"The intention of this special session is to deal with the technicality of these bills having passed to the Governor's desk prior to the budget bill arriving at his desk. In dealing with the executive's concern over that technicality, albeit also a constitutional requirement that the budget hit his desk first, we then intend to correct the technical problem with these measures. The intention is, however, to expedite that process of dealing with the Governor's concerns. There was no intention of reevaluating all of these measures and looking and scrutinizing them over again.

"We certainly appreciate, I think, Mr. Speaker, that our Minority members are interested in opening the process up and perhaps amending further these 19 bills. That being the case, Mr. Speaker, I assume then our Minority members will not continue to criticize us for being here and deliberating over these but instead will allow us full and open discussion and move into 10/15 days that would account for that full and open discussion.

"The intention of the House, I think, is to deal with the technical problem that the Governor has brought to our attention as expeditiously as we can, and that's why you see the motion that is before you, and that's why, Mr. Speaker, I speak in support of the motion.

"Thank you."

Representative Ward, in rebuttal, stated:

"A brief rebuttal to the Attorney General's opinion who I believe is a very intelligent, unequivocal individual who, in interpreting the Constitution, did say that according to open public decision-making, committee hearings are necessary. However, and this is I think where my counterpart on the Majority side has said, if we so choose to overrule what the interpretation of the Constitution is according to the Attorney General, we may so do.

"I only make it as a rebuttal in that we are aware of what we are doing because it is constitutionally open public hearings, of which otherwise, Mr. Speaker, we are giving or saying to the public, this is a privilege that we are allowing you to come and give input. I know you don't mean to say that but when we say we don't have to constitutionally do that, we're implying that we're doing the public a favor by inviting them in and she, very specifically said, according to the way the Constitution reads, there should be public hearings and there are many people out there who would like to have another hearing on the sick, the elderly and the poor, specifically.

"Thank you, Mr. Speaker."

Representative Okamura, in rebuttal to the Attorney General's comment, stated:

"We did check with the Attorney General and she did not say that the Constitution requires a public hearing. The public hearing requirement comes in through our House rules. That's where we require public hearings for

all legislation. As the Minority Leader stated, I think we're all in favor of having public hearings on various legislation that are introduced.

"The concern that we have with this session, as articulated by the Majority Floor Leader, is that these bills that we are considering -- 19 House bills -- are mainly to correct the technical problems that arose because the budget bill was not delivered to the Governor on time and that every one of these bills have had, in fact, public hearings.

"On the one bill that is being introduced which we will be having a public hearing on, it does require a substantive change and that has to do with the nursing home facilities and we are, in fact, going to have a hearing on that.

"We are also returning to the session primarily to clear up these deficiencies or defects, and we are not coming back to session to waste taxpayers' time and money nor the public's, and that is why there has been an agreement with the Senate leadership also that we limit what types of legislation will be taken up during this session. Otherwise, every single member here could have introduced as many bills as they had wanted and we would literally be going through another regular session at the expense of the taxpayers.

"Thank you."

Representative Thielen then rose to speak against the motion, stating;

"I don't think it's a waste of taxpayers' money, Mr. Speaker, to ask that we consider bills to give them back their tax credits. That is exactly what those bills do that you have not referred to committee.

"I also think that it is our place to reevaluate measures, as was mentioned by the Majority Party, that we should reevaluate issues. One of the major things we should reevaluate is ... why are we taxing the poor and lower middle income people? These bills. . .

The Chair interrupted and stated:

"Representative, you are out of order. The motion is to suspend the rules for House Bills 1-S to 19-S. Keep your remarks within that parameter, please."

Representative Thielen continued:

"The reason that I can't support the motion, Mr. Speaker, is because it is incomplete. That motion should also include House Bills 21-S and 22-S which re-established the tax credits for the poor and lower income people. And that's why those bills should be a part of your motion, Mr. Speaker. I can't, in good conscience, Mr. Speaker, vote for an incomplete motion and take the approach that we're just going to do a pro forma show up, vote yes, leave.

"I can't do that, Mr. Speaker, because we have a responsibility to those people that we hurt last session. That's what these two bills would rectify, and that's why I cannot support a motion that is being made that only allows the bills through No. 19-S to go in. It totally leaves the people that are being hit by not having their tax credits; it totally ignores those people again.

"Thank you, Mr. Speaker."

At 10:40 o'clock a.m., Representative Ward asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:47 o'clock a.m.

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

"I believe quite strongly that we should have public hearings in each house on these measures. If they were identical, I think I might be apt to agree but I see several bills have been changed.

"The House received a letter from the Governor on May 31st spelling out some of the differences and they appeared to be technical in nature; however, I do think that the committee members and the House members should have an opportunity to ask some questions and receive some answers on some of these measures. For instance, on House Bill 48, apparently there was a section taken out regarding litigation settlement claims account. Also, there was the criminal forfeiture revolving fund that was taken out, and I just have further questions on them so, you know, if you preclude us from hearing these measures, we don't have the opportunity to learn more about these changes. These seem to be substantive changes and not mere technicalities.

"In addition, there was another bill -- I think it was claims against the State whereby we appropriated an additional \$600,000 to Mark Development Company. . .

The Chair interrupted and stated:

"It's not included in these bills -- 1-S to 19-S. The claims to the State is a Senate bill and it's not listed in one of these bills, so will you please confine yourself to these House Bills 1-S to 19-S."

Representative Marumoto continued:

"We are setting a precedent here with these House bills and not having hearings on House Bills 1-S to 19-S, and perhaps the same thing will happen when the Senate bills come to this House in a couple of days. We will not have hearings on those bills and the public will never have an opportunity to find out about the substantive changes that were made which affect the taxpayers.

"In my recollection, I think we also paid Mark Development \$15-/\$10- or \$8 million. . .

The Chair interrupted and said:

"Representative, you're out of order. Please restrict yourself to the motion and don't get into a bill that is not even here yet, I will have to call you out of order, Representative."

Representative Marumoto stated:

"Just to correct myself -- I think it was \$8 million around 15 years ago. But that is beside the point.

"I just think we're setting a precedent here on House bills and perhaps Senate bills when they arrive here, so I speak against the motion.

"Thank you very much."

The motion to suspend the rules of the House for the purpose of having decision-making and reporting of bills by committee for House Bills 1-S to 19-S was put by the Chair and carried by voice vote.

On motion by Representative Amaral, seconded by Representative Thielen and carried, the following bills

(H.B. Nos. 1-S to 22-S) passed First Reading by title and were referred to committee:

House Bill Nos.

1-S "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

2-S "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

3-S "A BILL FOR AN ACT RELATING TO COFFEE."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

4-S "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

5-S "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

6-S "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

7-S "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

8-S "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

9-S "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

10-S "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

11-S "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

12-S "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

13-S "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

14-S "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

15-S "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

16-S "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

17-S "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

18-S "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

19-S "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

20-S "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT."

Introduced by: Representative Souki.

Referred to: Committee on Finance.

21-S "A BILL FOR AN ACT RELATING TO TAXES."

Introduced by: Representatives Ward, Thielen, Meyer, Kawanakoa, Halford, Anderson and Marumoto.

Referred to: Committee on Finance.

22-S "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Representatives Ward, Thielen, Meyer, Kawanakoa, Halford, Anderson and Marumoto.

Referred to: Committee on Finance.

ANNOUNCEMENTS

Representative Say: "The Committee on Finance will be holding a decision-making session on House Bills 1-S through 19-S this afternoon at 2:00 p.m. in the Finance Committee Conference Room. In addition, the Committee on Finance will be holding a public hearing on House Bill No. 20-S at 2:15 p.m. with decision-making to follow. Public notification, Mr. Speaker, in anticipation of these sessions, was posted and distributed on June 2, 1995."

Representative Thielen: "I once again would request a waiver of the 48-hour notice so the Republican Caucus package of bills dealing with taxes could be brought back before the Finance Committee. Mr. Speaker, what we've done is taken a hard look at. . .

The Chair interrupted and said:

"Representative, if you're requesting a waiver, will you please state your waiver, please."

Representative Thielen: "I am requesting a waiver of the 48-hour notice, Mr. Speaker, on House Bill 21-S and House Bill 22-S for the special session, and I would like to explain my reasons before you rule on that, Mr. Speaker."

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

"I believe that the Minority Floor Leader is out of order in that there is no public hearing notice even for the bills that she's talking about so there's no way that she can request for a waiver."

Representative Thielen responded:

"My understanding, Mr. Speaker, when we spoke to you during the recess was that this is the appropriate time to speak to these bills, and I believe you will honor that statement to us."

The Chair answered:

"You can make a request for a waiver and then it will be up to the Chair and this body to grant or not grant that waiver. As I stated prior, I will not be granting a waiver for those respective bills."

Representative Thielen continued:

"I will explain then, Mr. Speaker, as you had stated to us during the recess that you would permit us to do, I will state the reasons why we feel the waiver is really important."

Asked by the Chair to "state your reasons," Representative Thielen thanked the Chair and said:

"I appreciate your courtesy. We have taken a hard look ever since we adjourned, and we have taken a hard look at what it really does to the lower income families by eliminating the tax credit.

"I went to the market, Mr. Speaker, and used coupons and bought on sale the amount of groceries that we are taking out of the mouths of the lower income people by reducing their tax credit on food. It was really astounding to me, Mr. Speaker ... there were at least two dinners, lunches, and a fruit for dessert for lunch, for dinner. Also quite a substantial amount of rice. When you take a look at that, both you and I, Mr. Speaker, know how little money the working poor has to spend on food. So the impact of what we were doing was pretty substantial. This meant that the working poor would not have two dinners a month, would not have some lunches, and would not have other staples.

"We felt that this was really wrong to try to balance our State budget on their backs -- on the working poor's backs -- and that is why we introduced these bills that we are requesting a waiver for. One bill deals with the private nursing facility tax, but the other bill straightly addresses putting back the tax credits so the working poor will not have to suffer while we balance our budget.

"There are many other ways to balance the budget, Mr. Speaker, and we are very willing to work with you and your leadership to implement some of those ways in the coming days. But I think the way that we have done it now, it sends a message out to all of those that are struggling to get by ... you are going to be missing out on two dinners a month, several lunches, and some other staples because we're going to take the money to fund the growth of government. I think that's a wrong message, Mr. Speaker.

"Thank you."

Representative Amaral, in rebuttal, stated:

"I cannot, and maybe I am out of order here, but I have to present a rebuttal to the previous statements.

"Mr. Speaker, I think this is political grandstanding at its absolute worst. For us to present information on the floor today, as if there is the ability of this body to rectify the problems of the working poor in a five day special session, is political grandstanding at its worst.

"Mr. Speaker, the Executive Budget is not before us -- we all know that but perhaps the public does not know that; perhaps it's not made clear to them. But in order for us to deal with these substantial tax credits that are trying to be introduced after proper notices have been given to the public, we all know that we must then deal with the budget that presently sits on the Governor's desk that we cannot reopen. All we can look at are these bills that crossed over before that budget went to him.

"We do not have the ability to work on the problems for the working poor but we have a commitment, as we always had, Mr. Speaker, to work on these problems in the interim. And I would invite the Minority to join the Majority, as we have been here every interim trying to prepare ourselves better for the upcoming session, to deal with these issues responsibly and to deal with the problem that will then happen in our budget so that we can act with some responsibility in bringing forward a balanced budget.

"Thank you, Mr. Speaker."

At this time, the Chair **denied** the request for a waiver of the 48-hour hearing notice requirement to hear House Bills 21-S and 22-S.

At 10:56 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 10:59 o'clock a.m.

Representative Lee rose and stated:

"I have a momentous and historic announcement to make. Today is a historic day in the Journal of the House of Representatives in Hawaii. It is the 50th anniversary of the McMurdo's, so let's sing 'HAPPY ANNIVERSARY' to Representative Mary Jane McMurdo."

Representative McMurdo then rose and thanked the Chair and the members of the House.

ADJOURNMENT

At 11:00 o'clock a.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 1:00 o'clock a.m. tomorrow, Tuesday, June 6, 1995.

SECOND DAY

Tuesday, June 6, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, convened at 11:12 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Quentin K. Kawanakoa, after which the Roll was called showing all members present with the exception of Representatives Case, Menor, Pepper and Takumi, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the First Day.

On motion by Representative Amaral, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the First Day was approved.

At this time, Representative Ward introduced to the members of the House two legislative interns from the Waikiki Rotary Club -- Ms. Lynette Sotelo, who will be graduating from the Medical Assist School on Friday, and her younger sister, Melissa Sotelo, a junior at the University of Hawaii.

At 11:19 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:44 o'clock a.m.

Representative Thielen rose and moved for a reconsideration of the motion to pass. . .

The Chair interrupted and said:

"You're out of order."

At 11:45 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:50 o'clock a.m., Representative Thielen moved for reconsideration of the motion to pass on First Reading all bills laying on the Clerk's desk as of June 5, 1995.

The motion was seconded by Representative Anderson.

Representative Kawanakoa then rose to speak against the motion, stating:

"I want to see that all of these bills get a public hearing and go through the correct, democratic, open process; in particular, I believe that two of these bills -- House Bills 21-S and 22-S. . .

The Chair interrupted and asked:

"Are you speaking for or against this motion?"

Representative Kawanakoa: "Against."

The Chair asked:

"You're against the motion for reconsideration?"

Representative Kawanakoa answered in the affirmative and continued his remarks, saying:

"Thank you, Mr. Speaker.

"In particular, I believe that two of these bills -- House Bill 21-S and House Bill 22-S -- deserve a public hearing.

"We are talking about public funds here. And we're also talking about a moral obligation. An obligation. . .

The Chair interrupted and said:

"Representative, House Bills 21-S and 22-S are not on the agenda."

Representative Thielen then rose and stated:

"Mr. Speaker, if I may correct, they were part of the original motion that was made and Representative Kawanakoa is speaking to the motion now."

Asked by the Chair to "proceed," Representative Kawanakoa thanked the Chair and continued his remarks, saying:

"We are also talking about a moral obligation; an obligation to have a public hearing on bills that will affect Hawaii's poor families, middle-income families, and our elderly and sick people. The subject is justice for those people as well as money. They deserve to hear why tax credits should be restored, and why the nursing home tax should be repealed.

"Republicans are not being irresponsible. What I believe is irresponsible is not allowing the public to be a part of this process.

"It is ironic that Republicans should be accused of opportunism, when Republicans have nothing to gain by restoring tax credits. It's the people of Hawaii who have something if this body lets Hawaii's poor families retain their credits. Mr. Speaker, this caucus is not driven by political opportunism but by economic opportunity and democratic openness. We believe that the people should have a chance to hear why and how their money is being used, especially when taxes are being levied.

"When leadership says that tax credits cannot be restored or the nursing home tax repealed because the budget will suffer, I say, what's more important -- the almighty budget or the people of this State? Besides, the budget can afford more cuts to OSP, HFDC, HCDA. It can afford to take from non-earmarked special funds for a short-term boost. But consumers and businesses and low-income families and private-pay nursing home patients . . . they can no longer afford our fiscal balancing act. At least we are putting people first, ahead of a short-term, stop-gap tax.

"Leadership claims that we need savings right away. Then I ask: Why did this legislative body increase spending over the next biennium by \$1.2 billion? Something just doesn't add up.

"You've heard of political correctness, Mr. Speaker. It seeks to 'cleanse' the language of any offensive terminology. Well, since the word 'overtaxed' is offensive to this body, I guess the politically correct term for Hawaii's taxpayers and consumers is PAYCHECK-IMPAIRED. Paychecks are impaired by excise taxes, income taxes, hidden fees, and the lack of a focused, long-term fiscal policy.

"Through these two bills -- House Bill 21-S and House Bill 22-S -- we can give money back to the people who need it the most. We can cut taxes and balance the budget, if we only try a little harder. New Jersey has cut spending, lowered taxes and balanced its budget.

Michigan has done it. Even Massachusetts, a traditional Democratic stronghold, is doing it. Those states do not take their taxpayers for granted. And as a result, in those states, the business and economic base is growing. In this state, the business base is high-tailing it for Nevada and perhaps even California. And I believe Hawaii deserves better.

"Our low-income and middle-income families and their poor and sick relatives do deserve a break. The public deserves a hearing to see why the nursing home tax should be killed and why tax credits should be resurrected, if only it could happen in this State.

"Thank you, Mr. Speaker."

Representative Amaral then rose to speak against the motion, stating:

"Mr. Speaker, I agree with my colleague that the reconsideration of the motion passed yesterday is in fact inappropriate. I don't agree with many of the other issues that he has laid on the table, but certainly with the premise that we started out with, we are in agreement.

"It would seem to me, Mr. Speaker, that where we are criticized for not allowing a discussion of House Bills 21-S and 22-S because we are not allowing the public to be part of our process to give input, I think, in fact, the opposite is true, Mr. Speaker. The public has informed us, at least if the media is to be believed, that we must correct our technical error that took place in regular session in the most timely and concise fashion that we can. We have been informed that we must exert responsibility with respect to the budget.

"That is what we are attempting to do by passing these measures before us. That is what we are attempting to do in dealing with a very limited agenda in this special session, an agenda that, in fact, has been set in agreement with our brothers and sisters that sit below us. We understand that, with regard to the budget, when cuts are made, cuts must be accounted for. When revenues are lost, those gaps must be accounted for. That is what a responsible budget is about.

"House Bills 21-S and 22-S did not allow that kind of responsibility. House Bills 21-S and 22-S are, in fact, bills of gamesmanship. They are in fact bills of opportunism; they are bills of shortsightedness; they are wrongheadedness as its bottom line, Mr. Speaker.

"If our Minority brothers and sisters are interested in balancing the budget in a responsible way and in dealing with yet another shortfall in the budget, let us work together to prepare for the regular session in accomplishing that.

"Thank you, Mr. Speaker."

At this point, Representative Okamura rose and asked for the question, seconded by Representative Arakaki and carried by voice vote.

The motion to reconsider action was put by the Chair and **failed** to carry by voice vote.

At 11:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1-S) recommending that H.B. No. 1-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 2-S) recommending that H.B. No. 2-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 3-S) recommending that H.B. No. 3-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 4-S) recommending that H.B. No. 4-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 5-S) recommending that H.B. No. 5-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 6-S) recommending that H.B. No. 6-S pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 6-S pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

ORDER OF THE DAY

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

"Mr. Speaker, it was brought out yesterday that this bill was not only technically, but substantively changed in that the \$50,000 Hawaii Campaign Election Fund was eliminated on page 48, which was originally House Bill 2094.

"When you take away a \$50,000 spending limit, you're either saying that the Campaign Spending Fund is without limitation and without a ceiling, or in effect, you're saying that this Spending Fund limitation is now too small.

"The point is that it is a policy statement and even though I know that the Attorney General pointed out that this is only a technical prevention of a contradiction, when these bills are substantively changed, there should be a public hearing. I don't want to reinvent what we said earlier but when you don't have a public hearing and you put changes that are substantive in front of the public without having the benefit of an input, we are again on borderline the dangerous ground constitutionally as well as in breach of the House Rules.

"Mr. Speaker, I think the campaign spending changes are, for the most part, to increase the ethics and the accountability of elected officials; however, we elected officials putting this \$50,000 spending limit aside the way we've done it, makes us look suspect.

"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. 6-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 7-S) recommending that H.B. No. 7-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 8-S) recommending that H.B. No. 8-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 9-S) recommending that H.B. No. 9-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR

COMPANY WORKERS," passed Second Reading and was placed on the calendar for Third Reading.

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

The House of Representatives reconvened at 12:05 o'clock p.m.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 10-S) recommending that H.B. No. 10-S pass Second Reading and be placed on the calendar for Third Reading.

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

"In my view, this is the bright, shining star of the 1995 session of the Legislature.

"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. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 11-S) recommending that H.B. No. 11-S pass Second Reading and be placed on the calendar for Third Reading.

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

"Like the speaker before me who spoke about changes that have been made to the bills that we actually voted on on May 1st, this bill relating to State finances has had some considerable changes as well. On page 1, Section 2, wording has been changed to other than general fund and general obligation bond funds when the original bill read, 'all encumbered. . . funds for all means of financing.' That, in my mind, makes for a lot of questions.

"Again, I think this bill should have had a public hearing. In addition, some special funds were removed to a total of approximately \$380,000. These were funds that the Finance Committee thought would be put back into the general fund. That's a substantial amount of money. This may have changed some of the decisions they have made on the budget. Even though the Governor's Office has said this was necessary, it is a substantial change.

"For that reason, I feel that this bill should have had a public hearing.

"Thank you, Mr. Speaker."

Representative McMurdo then rose on a point of information and asked:

"Mr. Speaker, the two previous Minority speakers -- were they speaking in favor of the bill? All they said was they were speaking with reservations."

The Chair responded:

"It means that they were speaking in favor but they had some concerns."

Representative McMurdo thanked the Chair.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 12-S) recommending that H.B. No. 12-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 13-S) recommending that H.B. No. 13-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 14-S) recommending that H.B. No. 14-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 15-S) recommending that H.B. No. 15-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 16-S) recommending that H.B. No. 16-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 16-S, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 17-S) recommending that H.B. No. 17-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION

FOR HOUSING THE HOMELESS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 18-S) recommending that H.B. No. 18-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 19-S) recommending that H.B. No. 19-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 20-S) recommending that H.B. No. 20-S pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 20-S pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

Representative Marumoto rose and stated:

"Mr. Speaker, I'd like to speak in favor of House Bill 20-S. In doing so, I have to express some reservations, and I am sure you are all quite familiar with my feelings about the nursing home tax. Very reluctantly, I will support this bill, but I would prefer that we had no tax at all.

"There was one section of the bill which causes me some distress -- the fact that the tax credit lapses six months before the tax. I had hoped that the Finance Committee would amend the bill so that it covered the full period of the tax. It expires on December 31, 1996, but the tax continues until the following July 1, 1997.

"Perhaps the Senate, in their wisdom, will see that this needs to be amended, and if not then perhaps in the next session we can remedy this, but this is a continuation of the problem we have now, so I would appreciate everyone's consideration in looking at this problem and making the corrections very shortly, I hope.

"Thank you very much."

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

"Mr. Speaker, in some circles it would be incredible to believe that this Rube Goldberg machine -- the nursing tax as it is called -- would pass muster with the Clinton Administration. This bill is doomed to failure regardless of who occupies the White House and who occupies the Congress. Hawaii is one of 21 states standing in line with hands out for billions of dollars, and I repeat -- billions of

dollars. Massachusetts alone has \$1 billion in claims for their nursing tax -- Rube Goldberg's scheme.

"I think we are being misled, we are being deceived, to think that the fiscal condition of the United States in general with Congress in the hands of the Republican in general, and then specifically with Clinton in the White House, to say that there is going to be billions of dollars of bailout for all of these states standing in line with their hands out, I think is putting our heads in the sand. I think we're denying the reality that this Legislature, in its wisdom, said, we can get money out of the sick, we can get money out of the aged. We are just pulling to the fundamental miscalculation of this body to say that ... let's pick on the poor, let's pick on the sick, let's pick on the elderly. In this instance, the elderly and the sick are going to have their heads raised up because the Clinton Administration, which so many people in this room trust, is going to turn upside down.

"So what I am saying is, we carry on with this folly and we pass that tax return and we figure everything is going to be alright because we are going to get our \$8 million that is sitting in escrow. Mr. Speaker, the reality is, the probability is, the eventuality is not going to happen. So why do we continue now what is rumored to turn this into a positive when in effect, the condition of the State taxes are continually going downwards?

"And I quote from the **Honolulu Advertiser** of Tuesday, May 30th: 'The shortfall in our budget is between what the state would like to spend and what it can spend.' When we keep saying there is a budget deficit, we're simply saying what we'd like to spend -- Lexus, Rolls Royce -- vs. what we can afford -- a Datsun or a Plymouth. The state will still collect more income over the next two years than it did in the last. You can bet there are plenty of island families who would be happy to accept the budget crisis. . .

At this point, the Chair interrupted and asked Representative Ward to "please confine your remarks to House Bill 20-S."

Representative Ward continued, saying:

"Mr. Speaker, the relevance is, we have picked on the elderly as a way of leveraging federal funds. It is not going to work and that is the whole point of it. But there is a rumor that there is going to be this leveraging of the sick and the old as a means of sneaking up later on, if not in the next session, an excuse to raise taxes. What I am saying is, we picked the wrong fight; we picked the wrong reimbursement mechanism, and if taxes are to be raised because of this, I think we're all going to be looking very, very sad.

"Thank you very much."

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

"I concur with the Representative from the Waialae/Kahala area that with regard to the date of the tax credit sunset, that we may be able to amend it if it is necessary.

"I just wanted to take the opportunity, on behalf of the Chair of our Health Committee and myself as Human Services Chair, to thank the Speaker, the rest of our leadership, and our Chairman of Finance, for helping to negotiate and to place this on the calendar during the special session. I really appreciate it.

"Thank you."

Representative Meyer then rose to register a yes, with reservations, saying:

"While I am pleased that this has come around again and the Majority Party is making this effort to right a wrong, I feel that the very best way we should have handled this was to eliminate it entirely.

"Thank you."

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

"My reservations, Mr. Speaker, are that we should eliminate in its entirety that tax on the nursing homes. And that's what our House bill that we introduced that did pass First Reading but didn't make it to a committee hearing would have done. We proposed to totally eliminate the tax on the nursing homes, and I think that's the only fair way to do it.

"Thank you, Mr. Speaker."

At this time, Representative McMurdo rose and asked for the previous question.

The motion was seconded by Representative Nekoba and carried by voice vote.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 20-S, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," passed Second Reading and was placed on the calendar for Third Reading.

ANNOUNCEMENTS

Representative Santiago rose and stated:

"Mr. Speaker, I am a little perturbed and I do want to make a very serious announcement.

"Mr. Speaker and members, two days ago a very historic event occurred and I would think we would be remiss if we did not in some way, shape, or form acknowledge that. Two days ago, Father Damien was declared 'blessed' in a beatification ceremony outside of Koelkelbert Basilica in Brussels, Belgium.

"On the grounds of the Capitol, we have two statues -- one of our great Queen Liliuokalani; the other of Father Damien. Father Damien has transcended just his importance to that of the people of Hawaii and also to the people of Belgium, and has now received world significance.

"The significance of the beatification ceremony to me, a graduate of the Damien Memorial High School, means a lot. Last year I got to visit Kalaupapa; I got to speak with the people; I got to see the church, St. Philomena, that Father Damien helped build. It instilled in me a sense of humbleness that I carry with me today.

"All I ask is that some of us here sitting on the floor learn a little bit from what Father Damien taught us. At Damien, we have in our motto, Viriliter Age, and that means to act manfully. In this day of political correctness, that word may not seem significant to some but it still does to me.

"Thank you."

At 12:15 o'clock p.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 12:17 o'clock p.m.

Representative Amaral: "Some of us will be going on an excursion to look at the fields out in Kunia and those that are meeting us, the bus will meet on Alakea Street, in front of our parking lot."

Representative Okamura then rose and stated:

"Mr. Speaker, tied in with what the Representative from the North Shore indicated about Father Damien's beatification, on behalf of the people of Hawaii and all of our colleagues, I want to thank you. I know, as a Roman Catholic, as a leader in Hawaii, Mr. Speaker, that you and your wife were planning to go to the beatification rites. For you, Mr. Speaker, the peoples' work came first, and we thank you very much."

ADJOURNMENT

At 12:19 o'clock p.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Wednesday, June 7, 1995.

THIRD DAY

Wednesday, June 7, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, convened at 11:17 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Suzanne N.J. Chun Oakland, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Pepper and Takumi, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Second Day.

On motion by Representative Amaral, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Second Day was approved.

At 11:22 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:03 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

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

THIRD READING

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

H.B. No. 1-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 2-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 3-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 4-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 5-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 6-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 6-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 7-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 8-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 9-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 10-S:

Representative Say moved that H.B. No. 10-S, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Swain rose and requested that his remarks on H.B. No. 1828 (Regular Session of 1995) be entered into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Swain's remarks, in favor of the bill, are as follows:

"As one who grew up on Hawaiian home lands, I remember a few weeks ago, I mentioned ... you know what this is about? This is about putting people on the

land and we have done that. We have taken the first steps, extraordinary as it might be, because it was through this bill that I truly learned the frustration of being a member of this Legislature. As we went through the process and the different options that were presented to us and then the frustration of watching the Conference Committee work, and the ups and downs of that procedure, and I learned patience.

"The people that I represent are truly grateful this day because as I drive through my area on Kauai, I see thousands of acres of land that nothing could be done with because there was no money to do anything with that. I see homesites that have already been prepared that sit empty ... there is infrastructure in but there are no homes because there is no water. Now they have money to build a pump -- to put it in and to provide water. Now they have money to start building the homes. It is truly an exciting day.

"I look forward to seeing those people that will now have home ownership they will take pride in. I look forward to seeing the smiles on children's faces as they hopefully will go to schools that are right down the street from their houses, not having to catch buses half an hour away, forty-five minutes away, but elementary schools, middle schools that they can go to.

"On this day, though, I ask our Department of Hawaiian Home Lands to really take into account what is happening here. They have not won the lottery. This is not a time to look at this money as a one-time windfall. This money must be used correctly and I see a great deal of ability in our Director of the Hawaiian Home Lands, and in those commissioners that are now on the Commission, and the responsibility now is in their laps. We have done our part and we have done it well. The responsibility now sits with them. They have many years to come of managing these funds for the betterment of the Hawaiian people. I truly hope that it is done insightfully and using good common sense which we sometimes forget. But if they do that, I know that we the beneficiaries -- the Hawaiian people -- will be truly grateful.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 11-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 12-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 13-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 13-S,

entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 14-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 15-S:

Representative Say moved that H.B. No. 15-S, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, I did discuss this earlier on May 1st when we did have a final vote with regard to the OHA budget that was before us at that time. I was concerned about the disparity between the overall budget process and the funding of our state budget with regard to a 12 percent increase, or roughly \$1.2 billion increase in our State budget, and with regard to the Office of Hawaiian Affairs budget which basically stayed at a no-growth rate.

"I would only request that perhaps we take a closer look at that at the next session, and we try to find why there would be such a vast discrepancy between a state budget increase of 12 percent and yet an Office of Hawaiian Affairs growth of zero or less than one-half of one percent.

"Thank you, Mr. Speaker."

Representative Say then rose and stated:

"Mr. Speaker, I'd like to speak in support of this particular budget and make reference to the state budget.

"The 12 percent growth rate was caused because of the inclusion, Mr. Speaker and members of this House, in regards to the special funds, the trust funds, federal funds and other funds. In the area of the program known as general fund appropriation, Mr. Speaker, the growth rate was less than two percent. So I am very disheartened at this point that our Minority colleagues on the Finance Committee did not communicate those figures to the Minority Caucus in their deliberations on the state budget and also the OHA budget.

"Every department, Mr. Speaker, took a cut except the Department of Education and the Department of Public Safety, and it is reflected in the handout that was given to the Majority Caucus, and I truly wish that the two members of the Finance Committee who are part of the Minority Caucus had done the same thing, Mr. Speaker.

"Thank you."

Representative Kawanakoa, in rebuttal, stated:

"I apologize for not being on the Finance Committee but my understanding of the bottom line is that we are spending \$1.2 billion more than we did in the previous budget. Now, whether that comes from special funds, whether it comes from federal funds, whether it comes from trust funds, in my estimation it is still the taxpayers' money. If we need the increased spending at this time while most of our families are cutting back and most of

our businesses are having a hard time and having to reduce their spending and find ways to be more efficient. I think it is incumbent on government to do the same.

"So it is a bit confusing when we talk about A to Z funds -- where they are coming from and where they are going -- so what I need to do is to look at the bottom line, and basically we are spending more, and I have a concern with that. As I learn more, perhaps I will be enlightened and have a better outlook on how we can reduce our overall inefficiencies and become more efficient as our private sector has become, Mr. Speaker.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 16-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 16-S, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 17-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 18-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 19-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, H.B. No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

H.B. No. 20-S:

Representative Say moved that H.B. No. 20-S, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Ward then offered the following amendment to H.B. No. 20-S:

"SECTION 1. House Bill No. 20-S is amended by amending page 2, line 1 through line 3 to read:

'individual during the taxable year [plus six percent of the nursing facilities expenses paid by or for the resident

individual during the taxable year]. [For individual resident'

SECTION 2. House Bill No. 20-S is amended by amending page 3, line 13 through page 4 line 1 to read:

'[Nursing facility expenses' are amounts actually paid by the taxpayer for services provided to the taxpayer or to any individual who bears a relationship to the taxpayers as described in section 152(a) (with respect to dependent defined) of the Internal Revenue Code by a nursing facility licensed under section 321-9 and 321-11 and any intermediate care facility for mentally retarded persons under sections 321-9 and 321-11; provided that the nursing facility expense was subject to the imposition and payment of the tax imposed by chapter 346E.]

The amount of medical expenses [and nursing facility expenses] paid during the taxable year shall not be reduced by any insurance reimbursement.'

SECTION 3. House Bill No. 20-S is amended by adding a new section repealing Chapter 346E, Hawaii Revised Statutes, the Nursing Facility Tax, to be appropriately designated and read as follows:

'Section Chapter 346E, Hawaii Revised Statutes, is repealed.'

SECTION 4. House Bill No. 20-S is amended by adding a new section repealing Act 315, Session Laws of 1993, as amended by Act 230, Session Laws of 1994, to be appropriately designated and to read as follows:

'Section Act 315, Session Laws of 1993, as amended by Act 230, Session Laws of 1994 is repealed.'

Representative Ward moved that the amendment be adopted, seconded by Representative Thielen.

Representative Ward rose to speak in support of the amendment, stating:

"The purpose of this amendment is to eliminate the nursing tax which in effect puts it back into sync with, when two years ago we introduced it, it was to sunset in June 1995. We are now in June 1995."

Representative Meyer then rose to speak in support of the amendment, stating:

"Since the enactment of Act 315, which established the nursing home tax, costs have increased to taxpayers as the additional taxes were passed on to consumers in the form of higher health care insurance premiums and higher health care costs.

"Tragically, the tax has been borne largely by private pay patients who do not benefit from Medicaid payments. However, in a larger sense, this additional cost has been borne by all taxpayers because those who are Medicaid beneficiaries have had their taxes paid by the state, who then reimbursed the care providers with tax dollars. This tax scheme has not only been called into question by the federal government, but has been likened to a shell game where the only losers are taxpayers, particularly those who pay for their own care.

"The nursing facility expense tax credit provides little relief to private pay patients who must still report the tax credit as income for federal tax purposes. Private pay patients, who do not ask for public assistance and who are not an expense to the state, have been punished by this patently unfair tax for paying their own way.

"In advocating for this tax scheme, the state Department of Human Services promised that the tax would not be collected until the federal Health Care Financing Administration (HCFA) approved of the scheme. With this promise, the community's health care providers gave their tentative support. To date, HCFA still has not given its approval.

"Mr. Speaker, that is why I am strongly in favor of this amendment, and I encourage my colleagues here to vote aye on this motion.

"Thank you, Mr. Speaker."

Representative Amaral rose to speak against the amendment, stating:

"Mr. Speaker, at times I think it's very difficult for the general public to understand what it is we actually are doing here. The media has been very clear in notifying the public that we have been trying to take money away by repealing the tax credit for the nursing home facilities. When we came back, we made a commitment to deal with that error in judgment and to restore the tax credit.

"However, that is not the measure that is before us at present, Mr. Speaker. What is before us now is an amendment to House Bill 20-S that will repeal the taxes on nursing facilities and, quite frankly, I am a little confused, Mr. Speaker. We have been listening to a great deal of rhetoric from our opposition across the aisle, asking us to be responsible, asking us to deal responsibly with budgets, and in trying to do so and in also trying to be responsible, as has been pointed out to us from across the aisle, to the needs of the working poor, we come here to try to restore a tax credit.

"I don't understand how it is we are going to be dealing with shortfalls in budgets, how it is we are going to be acting responsibly with the budget shortfall we are now facing by repealing a source of revenue that is available to us. I don't understand how this scheme fits in the greater scheme that our opposition has planned for the next few months ahead. And quite frankly, I haven't heard them explain very well how removing this tax is going to help us deal with shortfalls and help us deal with the critical problems ahead. Perhaps, however, as we move through the process and listen to what further amendments they may have in mind, their problem will fall into place and we will understand finally where they are leading us.

"I, at this point, members, choose not to walk down this path and I hope that all the members will join me in defeating this floor amendment.

"Thank you."

Representative Marumoto then rose to speak in support of the amendment, stating:

"I would like to clarify for the Majority Floor Leader why the Republican members of the House would like to repeal this tax. Enough has been said about how expensive it is and six percent of the monthly fees are very onerous to the patients, but it is very expensive to the state also. This tax has cost us millions of dollars in state money. We have all heard that the private-pay patients, the non-Medicaid patients, have been paying this tax. They have been paying it into an escrow account. In addition, the Medicaid homes are also paying this tax and they are paying this into the same escrow account. The state reimburses the private-pay patients out of the general fund for the taxes they have paid, then the general fund is also having to reimburse the Medicaid homes, and the money sits in the escrow

account -- frozen. We use extra state funds to reimburse the homes. In addition, we give them extra funds which was promised them. They have been told it would be federal funds but these extra federal funds have never materialized. This program has not been okayed by the federal government so it is costing the state millions of dollars every year.

"I had asked the Department of Human Services on Monday in the Finance Committee ... what about this \$8 million that we owe the federal government that is in contention? The Department of Human Services expressed ignorance about this and so I looked back in my files and I see an **Advertiser** front page story from early this year which says, '...the U.S.: State padded its health bills. Washington wants \$8 million back.' This is a Walter Wright story, and it says 'the federal government says Hawaii illegally padded its Medicaid bills by \$8 million and the state can't have the money.' The fight is over federal Medicaid payments to the state to cover \$4 million a year in new hospital and nursing home bed taxes the state tried to pass on. So the money is for a two-year period totalling \$8 million, and we were counting on it as state revenues but, of course, we really can't use it.

"In addition, there was a Washington Post story and the date on this is January 30th of this year. The headline says: 'States may owe billions from Medicaid. . .eighteen states told to give back Medicaid funds gotten improperly,' and let me quote from it. In five states, HCFA (Health Care Financing Administration) contends: 'Nursing homes were protected from any real financial impact from a new state tax on beds because the states helped the facilities pass on the tax to public and private patients, then pay the homes a higher rate that included the tax for Medicaid patients in their care. At the same time, private patients were made eligible for state grants to help defray the higher fees caused by the tax. The proceeds from the tax were used to pay the higher fees caused by the tax but the higher fees also became eligible for federal matching payments. . .' And then it goes on to say, 'Five states -- Illinois, Louisiana, Tennessee, Hawaii and Maine -- were cited for using the impermissible nursing home tax. . .accused of levying clearly impermissible taxes. . .' and again it lists Hawaii in here. . .were accused of charging clearly impermissible taxes as well as taxes that might be eligible for a waiver.'

"The illegal method has to do with the tax credit and reimbursement aspect of our program, and so this is why I feel like we really should drop this entire program. It is costing us more money, and I appreciate your patience in listening to the arguments. We have belabored it, but it has been very complex and there has been talk about extra federal funds but just to let you know, it is going to be all state funds. This is costing us more money.

"Thank you very much."

At 12:21 o'clock p.m., Representative Amaral asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:24 o'clock p.m., the motion to adopt the amendment was put by the Chair and **failed** to carry by voice vote.

At this time, Representative Marumoto offered the following amendment to House Bill 20-S:

"SECTION 1. House Bill No. 20-S is amended by amending page 5, lines 21-22 to read:

'(g) This section shall not be effective after [December 31, 1996] July 1, 1997.'"

Representative Marumoto moved that the amendment be adopted, seconded by Representative Meyer.

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:27 o'clock p.m., Representative Marumoto rose to speak in support of the amendment, stating:

"I think this was an omission but the nursing home tax was extended during the regular session for two years -- July 1 of this year to July 1 of 1997. However, we introduced a bill this special session -- 20-S -- which extends the tax credit for the tax but the tax credit is only extended for a year-and-a-half. It goes to the end of 1996, so it dies six months shorter than the tax.

"Our amendment is just to extend it to match the tax to six more months to July 1, 1997.

"There may be arguments against this measure that this will extend the special session because it is an amendment so, therefore, the bill will have to lay over for another 48 hours. But an extension is a very small price to pay for the peace of mind that it will give to the hundreds of private pay, non-Medicaid patients and their families who have to pay this tax. The cost for extending it two days is minimal. We are not collecting per diem and our neighbor islanders are already here on Oahu. But the extra pay not covered could amount to about two thousand dollars per patient so this would give them a lot of peace of mind.

"This is a very important amendment, Mr. Speaker, and it warrants passage.

"Thank you."

Representative Amaral then rose to speak against the amendment, stating:

"First of all I would note, Mr. Speaker, that I am appreciative, where the opposition has pointed out that the special session cost is minimal, and I have been saying that for awhile so we appreciate your support of that.

"Mr. Speaker, I believe that this special session and its members have shown its commitment to our taxpaying public, and to whatever burden we placed on the persons who have to pay for private nursing care facilities by the enactment of House Bill 20-S which is the restoration of the tax credit.

"I certainly hear the concern of our worthy opposition regarding this additional six months. They have made the argument that I basically was going to make, and that is to deal with this amendment is to extend our session longer and I would argue, Mr. Speaker, to extend longer needlessly. We all know that we are coming back in January of 1996. We know that this issue can be dealt with, and we know that we can deal with this issue in the larger context of whatever projected additional shortfalls will be laid on our desks by our executive. I don't believe that this is so compelling, so distressing an issue, because in fact this tax credit will be covered through December 31, 1996 -- well beyond our regular session next year. We appreciate the assistance from our loyal opposition in looking at this next session when we come on our time in our session to deal with this and even greater problems.

"But we believe we have done the people's business in restoring the tax credit, that this will cover the period that's necessary to be covered, and if there are any anticipated problems in the future, we still have time to deal with that in the regular session.

"This is an unnecessary extension, and I would speak firmly against this floor amendment and urge my members to please vote it down.

"Thank you."

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

"Mr. Speaker, we came here specifically for one week -- five days -- to take care of some inequities and technicalities, and to extend the tax credit which we promised we would do.

"Based on the information that was just given to us by the Majority Floor Leader, and the fact that it can be taken care of next year and that any floor amendment would be superfluous, I, therefore, call for the previous question."

The motion was seconded by Representative Santiago and carried.

The motion to adopt the amendment was put by the Chair and **failed** to carry by voice vote.

The motion to pass H.B. No. 20-S on Third Reading was put by the Chair and carried, and H.B. No. 20-S, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Pepper and Takumi being excused.

The Chair directed the Clerk to note that H.B. Nos. 1-S, 2-S, 3-S, 4-S, 5-S, 6-S, 7-S, 8-S, 9-S, 10-S, 11-S, 12-S, 13-S, 14-S, 15-S, 16-S, 17-S, 18-S, 19-S and 20-S had passed Third Reading at 12:35 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1-S to 15-S) were read by the Clerk and were placed on file:

Sen. Com. No. 1-S, transmitting Senate Bill No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 2-S, transmitting Senate Bill No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIME," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 3-S, transmitting Senate Bill No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 4-S, transmitting Senate Bill No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 5-S, transmitting Senate Bill No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 6-S, transmitting Senate Bill No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 7-S, transmitting Senate Bill No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 8-S, transmitting Senate Bill No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 9-S, transmitting Senate Bill No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 10-S, transmitting Senate Bill No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 11-S, transmitting Senate Bill No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 12-S, transmitting Senate Bill No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 13-S, transmitting Senate Bill No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 14-S, transmitting Senate Bill No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on June 7, 1995.

Sen. Com. No. 15-S, transmitting Senate Bill No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," which passed Third Reading in the Senate on June 7, 1995.

On motion by Representative Amaral, seconded by Representative Thielen and carried, S.B. Nos. 1-S, 2-S, 3-S, 4-S, 5-S, 6-S, 7-S, 8-S, 9-S, 10-S, 11-S, 12-S, 13-S, 14-S and 15-S, passed First Reading by title.

The Chair then referred S.B. Nos. 1-S, 2-S, 3-S, 4-S, 5-S, 6-S, 7-S, 8-S, 9-S, 10-S, 11-S, 12-S, 13-S, 14-S and 15-S to the Committee on Finance.

SUSPENSION OF RULES

On motion by Representative Amaral, seconded by Representative Thielen and carried, the rules were suspended for the purpose of having decision-making and reporting of bills by committee for Senate Bills 1-S through 15-S, seconded by Representative Thielen and carried.

ANNOUNCEMENTS

Representative Say rose and stated:

"Your Committee on Finance will be holding a decision-making session on Senate Bills 1-S through 15-S this afternoon at 2:00 p.m. in the Finance Committee Conference Room.

"Mr. Speaker and members of this House, public notification in anticipation of this session was posted and distributed on June 5, 1995."

Representative Amaral then moved to keep the Journal open until midnight this legislative day for the purpose of receiving Committee Reports.

The motion was seconded by Representative Thielen and carried.

At 12:36 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Standing Committee Reports.

STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 21-S to 35-S) were received in the Clerk's Office up until 12:00 o'clock midnight this legislative day and further action was deferred until tomorrow, Thursday, June 8, 1995:

Stand. Com. Rep. No. 21-S (FIN) and S.B. No. 4-S, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS".

Printed copies of Senate Bill No. 4-S, HD 1, were made available to the members of the House at 2:15 o'clock p.m., in accordance with Article III, Section 15 of the Constitution of the State of Hawaii.

Stand. Com. Rep. No. 22-S (FIN) and S.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE".

Stand. Com. Rep. No. 23-S (FIN) and S.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIME".

Stand. Com. Rep. No. 24-S (FIN) and S.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION".

Stand. Com. Rep. No. 25-S (FIN) and S.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING".

Stand. Com. Rep. No. 26-S (FIN) and S.B. No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT".

Stand. Com. Rep. No. 27-S (FIN) and S.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS".

Stand. Com. Rep. No. 28-S (FIN) and S.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS".

Stand. Com. Rep. No. 29-S (FIN) and S.B. No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE

BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT".

Stand. Com. Rep. No. 30-S (FIN) and S.B. No.10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM".

Stand. Com. Rep. No. 31-S (FIN) and S.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS".

Stand. Com. Rep. No. 32-S (FIN) and S.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER".

Stand. Com. Rep. No. 33-S (FIN) and S.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR".

Stand. Com. Rep. No. 34-S (FIN) and S.B. No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS".

Stand. Com. Rep. No. 35-S (FIN) and S.B. No.15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS".

HOUSE COMMUNICATIONS

A communication to the Honorable Speaker and members of the House of Representatives from Patricia Mau-Shimizu, Clerk of the House, dated June 7, 1995, indicating that the following House Bills were received and filed in the Office of the Senate Clerk at 3:35 p.m. this day, and that printed copies of the House Bills with Senate drafts were made available to the members of the House pursuant to constitutional mandate:

- (1) House Bill Nos. 1-S through 5-S;
- (2) House Bill No. 6-S, SD 1;
- (3) House Bill Nos. 7-S through 10-S;
- (4) House Bill No. 11-S, SD 1;
- (5) House Bill Nos. 12-S through 19-S; and
- (6) House Bill No. 20-S, SD 1.

A communication to the Honorable Speaker and members of the House of Representatives from Patricia Mau-Shimizu, Clerk of the House, dated June 7, 1995, informing the House that Senate Bill No. 4-S, HD 1, was received and filed in the Office of the House Clerk at 2:15 o'clock p.m. this day; and printed copies of said Senate Bill in the form to be passed in the House on Third Reading, were made available to the members of the Legislature pursuant to constitutional mandate.

A communication to the Honorable Senate President and members of the Senate from Patricia Mau-Shimizu, Clerk of the House, dated June 7, 1995, notifying the Senate that Senate Bill No. 4-S, HD 1, was received and filed in the Office of the House Clerk at 2:15 o'clock p.m. on this date; and printed copies of said Senate Bill, in the form to be passed in the House on Third Reading, were made available to the members of the Legislature pursuant to constitutional mandate.

A communication to the Honorable Senate President and members of the Senate from Patricia Mau-Shimizu,

Clerk of the House, dated June 7, 1995, notifying the Senate that Senate Bill Nos. 1-S to 3-S and 5-S to 15-S and their accompanying reports from the House Committee on Finance recommending passage of said bills on Second Reading and placement on the calendar for Third Reading were received and filed in the Office of the House Clerk on this date.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Thursday, June 8, 1995.

FOURTH DAY

Thursday, June 8, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, convened at 11:20 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Devon M.T. Nekoba, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Menor, M. Oshiro, Pepper, Tarnas and White, who were excused.

The Clerk proceeded to read the Journal of the Third Day.

On motion by Representative Amaral, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Third Day was approved.

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

Representative Ward introduced Ms. Lorraine Shim, Chairperson of the Republican Party (Hilo), and Mr. Elroy Osorio, Chairman of the Hawaii County Council.

Representative Alcon introduced the Honorable Amadeo Perez, Congressman of the Philippines, and Vice Chairman of the Appropriations Committee and the Tourism Committee.

At this time, Representative Say wished "a special person who has persevered in the past eleven sessions, a performer, actor, musician, a father, a lawyer, and has a wife, Penny, who is always in his thoughts," a Happy 47th Birthday -- Representative Terrance Tom.

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

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

ORDER OF THE DAY

UNFINISHED BUSINESS

Stand. Com. Rep. No. 21-S and S.B. No. 4-S, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 4-S, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 22-S and S.B. No. 1-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 23-S and S.B. No. 2-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2-S, entitled: "A

BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 24-S and S.B. No. 3-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 25-S and S.B. No. 5-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 26-S and S.B. No. 6-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 27-S and S.B. No. 7-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 28-S and S.B. No. 8-S:

Representative Say moved that the report of the Committee be adopted and S.B. No. 8-S pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, it is noted in the message from the Governor that he disagrees with the legislative intent of this measure which is simply to support a consortium effort in identifying the needs of the Hawaiian community for their social, human service and health gaps in service to the Hawaiian community. This measure, in fact, adds up to approximately \$40,000. It is going to be given to this consortium. Some concern, I guess, comes from the executive that we are dealing with a substantial shortfall and therefore we need to make cuts.

"I would simply send the message through the record to the executive that we need not always continue to cut the very small programs and service to the native Hawaiian people. As evidence, an attempt to cut the Kamehameha Day Parade, and now to cut this little \$40,000 effort to identify gaps in services to native Hawaiians.

"I hope that the rumor is wrong. I hope that the executive does not intend to veto this bill, and I would like to voice my strong support for this measure and for its continued existence.

"Thank you."

Representative Kawananakoa then rose in strong support of this bill and requested that Representative Amaral's words be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Kawananakoa continued:

"I am in agreement with the Majority Floor Leader, and I think she put it well that some of the smaller programs shouldn't necessarily always be looked at to help resolve much of our budget problems.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 29-S and S.B. No. 9-S:

Representative Say moved that the report of the Committee be adopted and S.B. No. 9-S pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Kawakami.

Representative Thielen rose and requested the Clerk to cast a no vote for her, and the Chair "so ordered."

Representative Kahikina then rose and requested the Clerk to cast a no vote for him, and the Chair "so ordered."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Kahikina and Thielen voting no.

Stand. Com. Rep. No. 30-S and S.B. No. 10-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 31-S and S.B. No. 11-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 32-S and S.B. No. 12-S:

Representative Say moved that the report of the Committee be adopted and S.B. No. 12-S pass Second Reading and be placed on the calendar for Third Reading.

Representative Ward rose to speak against the bill, stating:

"I have two reasons why I want to speak against this bill. Number one, fiscal responsibility. This is a

\$300,000 proposition at which time we have not the wherewithal to afford.

"Secondly, because the substance of the Clean Hawaii Center is that it is going to basically stimulate and create new businesses by giving 'free lunches' which is contrary to the structure of the incentives for entrepreneurs to become entrepreneurs.

"This bill evolved from what initially was a \$500,000 loan fund, and if you read the Clean Hawaii bill not once is the word 'loan' given. It is a grant giving subsidy-providing stimulus for small businesses to be created. If you're a real entrepreneur, you don't go on the basis of a free lunch and really get in business except after the free lunch is over, then you get out of business.

"Therefore, Mr. Speaker, for fiscal reasons it is not a good run, and for the fact of what it is not going to do because of the structure of the incentives, it is basically a waste of entrepreneurial talent.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no.

Stand. Com. Rep. No. 33-S and S.B. No. 13-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATION THEREFOR," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 34-S and S.B. No. 14-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 35-S and S.B. No. 15-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was placed on the calendar for Third Reading.

ANNOUNCEMENTS

Representative Morihara: "I would like to make a couple of announcements. One was to thank all those who joined us in the trip to Kohala and we hiked quite a ways through deep mud and knee-deep water and sleeping on floors, but we had a good time. It was beautiful there. And for those who would like to join us after session, we would be meeting to go over some of the pictures in Room 1206."

Representative Takamine: "This afternoon, there is a contingent of community members from the Hilo/Hamakua coastline who would like to share some

hospitality with the members of the House. Therefore, those who are available, the mahalo luncheon is being held in Room 1111 following session."

Representative Thielen, on behalf of the members of the House, wished Representative Amaral whose birthday is on Saturday, June 10th, a "Happy Birthday."

Representative Say: "This afternoon, at 4:00 p.m. in Room 1111, the Director of Budget and Finance will give us an informational briefing on the \$185 million shortfall by the Council."

Representative Ward rose and stated:

"On that very note, Mr. Speaker, the Minority is very grateful to be included in on that because of fiscal responsibility, and I know the Chair of the Finance Committee wanted us to be able to speak as fluently as everyone, and we really appreciate being invited.

"Thank you."

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Representative Amaral, seconded by Representative Thielen and carried, the House of Representatives adjourned until 3:00 o'clock p.m. tomorrow, Friday, June 9, 1995.

FIFTH DAY

Friday, June 9, 1995

The House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, convened at 3:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ken Ito, after which the Roll was called showing all members present with the exception of Representatives Amaral, Arakaki, Pepper and White, who were excused.

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

On motion by Representative Okamura, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Fourth Day was approved.

At 3:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:41 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

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

THIRD READING

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

S.B. No. 4-S, HD 1:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 4-S, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

The Chair directed the Clerk to note that S.B. No. 4-S had passed Third Reading at 3:42 o'clock p.m.

S.B. No. 1-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 2-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 3-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 5-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 6-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 7-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 8-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 9-S:

Representative Say moved that S.B. No. 9-S, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

Representative Kahikina's remarks are as follows:

"Mr. Speaker, earlier when this measure came forward to us, on January 27, 1995, the *Honolulu Advertiser* editorial stated that the incinerator is needed; however, Pacific Controls, Inc. has testified at the Legislature that after reevaluating the medical waste industry in Hawaii, that there isn't enough medical waste to process for them to make a profit. They are now asking for permission to burn foreign waste.

"The same newspaper on April 28, 1995, page 6, says that negotiators approved the proposal even though the incinerator's competitors and the state health officials said the state doesn't produce enough medical waste for the company to make any profit to pay back the loan, which will be given to special purpose revenue bonds. 'The

incinerator company, Pacific Controls, Inc., is capable of burning four times more medical waste than the amount of waste the state produces,' said Health Department official, John Harder, State Solid Waste Coordinator. Presently, two incinerators are doing this business.

"For those reasons, I am voting against it."

The motion was put by the Chair and carried, and S.B. No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," having been read throughout, passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Kahikina and Thielen voting no, and Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 10-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 11-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 12-S:

Representative Say moved that S.B. No. 12-S, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"I would like to commend this measure to all of my colleagues. The Clean Hawaii Center really is a bill that promotes small business. There is one Executive Director. She is a one-woman show -- that's it. She has a Board of Directors that's primarily made up from the private sector, and the private sector donates its time at no cost to government. There are some government people on the Board with some experience in recycling. The main thing is that the Executive Director has experience in recycle economics. That's pretty much a new term, but it's a term that we'll see grow in the years to come.

"Recycle economics means how you can stimulate and help small businesses begin to use recycled materials, and put them back out into the marketplace and make a profit. Part of her role is to meet with the banks and encourage them to take the chance of lending to these small businesses, to say that recycle economics is not a risky venture. It is a venture that should be funded by the banks so they can go ahead and make the products and put them out for sale.

"For example, one of the products that we were shown in one of our committee hearings was a glass piece that was made in the furnaces that are heated to two thousand degrees, Mr. Speaker. They take recycled glass; the glass blower then makes it into a product that can be labeled 'Made in Hawaii,' which is fair and correct truth in advertising, and it can be put on the shelves for sale to

tourists that might want to take something home from Hawaii.

"That's a double whammy. It's using a recycled piece of material that doesn't end up being discarded in a landfill. It brings in some jobs to our economy, and it makes the business a profit. And taxes are paid to the State of Hawaii which then go into the general fund.

"So I think that the Clean Hawaii Center is a very good step and deserves our support. I encourage all of you to vote in favor of this bill.

"Thank you."

Representative Ward then rose and stated:

"Mr. Speaker, I rise to speak against this said measure; not against my colleague even though this is reminiscent of the Office of International Relations of which the result is still moot. However, I would also bring to my colleagues the fact that I have spent probably twenty years of my life in the area of starting small businesses. My company has had 2,500 startups in ten different countries in the world.

"The purpose of Clean Hawaii Center is to start businesses, so I think I know from which premises I speak and that is, in starting a new business, it involves three things: a product to market, a capable entrepreneur, and capital. There has never been in the annals of entrepreneurship a successful business that started from a grant unless it was from one's parents, or one's uncle, or one's benefactors who are very well endowed.

"The difficulty with Clean Hawaii is, it is granting rather than loaning businesses. In the initial conception, there was a \$500,000 loan fund that they initially wanted this Clean Hawaii to have, so they have rolled over from a \$500,000 loan fund to basically now a 'free lunch' -- a free grant. If we are serious in Hawaii to start businesses, not just give some capital to get nice, warm and fuzzy results to get tin cans smashed and glass sprinkled on the highway and new asphalt, but to really get viable small businesses, you cannot put a 'free lunch' premise on the entrepreneurial premise. This is proven in every country. I don't see how Hawaii can reinvent the wheel to do that.

"I love Clean Hawaii. Everything that was said, I agree with, except there is one word missing in this bill, Mr. Speaker, and it is 'loan.' It does not have the power to loan; it only has the power to give away. And in our present fiscal crisis, the last thing that we should be doing is giving away more money.

"Thank you, Mr. Speaker."

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

"This bill shows that the Democratic Party is for small business, and the previous speaker has said that we do not loan. We do not loan because, Mr. Speaker, when you are starting a business, you don't have any money to pay back, so we grant them to start. It is a catalyst, Mr. Speaker.

"This is a very good bill by the Democratic majority."

Representative Thielen then rose and stated:

"I am not responding to that speaker. I'm not going to bite on that one, Mr. Speaker, but I am responding to my Minority Leader.

"He mentioned that there has never been a successful company started with a grant. Microsoft started with a grant. The grant happened to have been an in-family grant, but I think we all know the history of Microsoft, so I don't think we should be quite as critical. Sometimes it is that which makes the difference between success and something not even being possible to start."

The motion was put by the Chair and carried, and S.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Ward voting no, and Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 13-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 14-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

S.B. No. 15-S:

On motion by Representative Say, seconded by Representative Kawakami and carried, S.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

The Chair directed the Clerk to note that S.B. Nos. 1-S, 2-S, 3-S, 5-S, 6-S, 7-S, 8-S, 9-S, 10-S, 11-S, 12-S, 13-S, 14-S and 15-S had passed Third Reading at 3:51 o'clock p.m.

At 3:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:01 o'clock p.m., Representative Ward rose on a point of personal privilege and stated:

"Mr. Speaker, my remarks on Clean Hawaii may have grieved the people of Hawaii because I misspoke as yesterday I introduced the head of the Republican Party being a council member and she was not a council member. I misspoke, having read an inappropriate section, overlooking the fact that there are low-interest loans in Clean Hawaii -- my apologies.

"I know I can't change my vote, but I can explain that there are foibles in otherwise people's background and experience, so I withdraw what I said in what otherwise I fully endorse the Clean Hawaii Center. And this has nothing to do with her; it's all on my own, Mr. Speaker.

"Thank you, Mr. Speaker."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 16-S to 18-S) were read by the Clerk and were placed on file:

"Sen. Com. No. 16-S, returning House Bill No. 6-S (SD 1), entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on June 9, 1995, Special Session of 1995, in an amended form; printed copies of which were made available to the members of the Eighteenth Legislature since 3:34 p.m. Wednesday, June 7, 1995.

Sen. Com. No. 17-S, returning House Bill No. 11-S (SD 1), entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," which passed Third Reading in the Senate on June 9, 1995, Special Session of 1995, in an amended form; printed copies of which were made available to the members of the Eighteenth Legislature since 3:34 p.m. Wednesday, June 7, 1995.

Sen. Com. No. 18-S, returning House Bill No. 20-S (SD 1), entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," which passed Third Reading in the Senate on June 9, 1995, Special Session of 1995, in an amended form; printed copies of which were made available to the members of the Eighteenth Legislature since 3:34 p.m. Wednesday, June 7, 1995.

At this time, Representative Okamura moved that the House accept the amendments made by the Senate to House Bills 6-S (SD 1); 11-S (SD 1); and 20-S (SD 1), seconded by Representative Thielen and carried.

FINAL READING

H.B. No. 6-S, SD 1:

On motion by Representative Okamura, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 6-S, and H.B. No. 6-S, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

H.B. No. 11-S, SD 1:

On motion by Representative Okamura, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 11-S; and H.B. No. 11-S, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

H.B. No. 20-S, SD 1:

Representative Okamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 20-S and H.B. No. 20-S, SD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

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

"I simply wanted to thank the Senate Committee on Ways and Means for making the amendment to extend the tax credit from December 31, 1996 to June 30, 1997, an additional six months.

"On behalf of the 500 patients that would be affected -- mahalo to the entire Senate and the House for their aye votes on this measure.

"Thank you."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 20-S, and H.B. No. 20-S, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Amaral, Arakaki, Pepper and White being excused.

The Chair directed the Clerk to note that H.B. Nos. 6-S, 11-S and 20-S had passed Final Reading at 4:08 o'clock p.m.

At 4:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:11 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 1-S and 2-S) were read by the Clerk and were disposed of as follows:

H.R. No. 1-S, AUTHORIZING THE SPEAKER OF THE HOUSE TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 5TH DAY (JUNE 9, 1995), was jointly offered by Representatives Souki, P. Oshiro, Okamura and Ward.

On motion by Representative Okamura, seconded by Representative Ward and carried, H.R. No. 1-S was adopted.

H.R. No. 2-S, AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 1995, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, was jointly offered by Representatives Souki, P. Oshiro, Okamura and Ward.

On motion by Representative Okamura, seconded by Representative Ward and carried, H.R. No. 2-S was adopted.

SENATE COMMUNICATION

Sen. Com. No. 19-S, transmitting S.R. No. 3-S, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate on June 9, 1995, was read by the Clerk and was placed on file.

ANNOUNCEMENTS

Representative McMurdo rose and stated:

"Mr. Speaker, my husband asked me if I would convey his and my personal thanks for the lovely Certificate of Recognition on our 50th wedding anniversary. I want to thank you, Mr. Speaker, and the Vice Speaker for having signed it.

"Thank you very much."

Representative Say: "I have all of the memos that you have wanted us to convey to the subject committee chairs and the Minority Leader in regards to trying to address the \$185 million shortfall. After we adjourn, the subject committee chairs plus the Minority Leader can pick up the memos."

Representative Chun: "I wanted to announce for the Human Services Committee members that we will be having an informal meeting next Wednesday at 12:30 p.m. in Room 1102 to discuss the budget cuts for human services."

The Chair then stated:

"This has been a very trying five-day period. We have come to the end of our journey ... the people's work is done.

"I want to thank you all for your patience and cooperation on both sides of the aisle.

"Thank you and aloha."

Representative Okamura then rose and stated:

"Mr. Speaker, before moving for adjournment Sine Die, on behalf of yourself and all of the members in the House of Representatives, I would like to especially thank the staff that has put in the time to assist us in this special session, particularly from the House Majority Research Office -- all of the analysts who normally do not serve as messengers. They have helped us a lot through this week. The staff members also from the Clerk's Office and Sergeant-at-Arms, and I believe we even had volunteers come in -- the Printshop -- to print the special bills. They came in on their own, nonpaid, to volunteer their time. We do appreciate their efforts.

"Thank you."

ADJOURNMENT

Representative Okamura moved that the House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, adjourn Sine Die.

Representative Thielen prior to seconding the motion, stated:

"I thank you. Democracy started off a little bit slowly in the first days, but it moved ahead and we were able to have more full debate. I think that's what we all should look for on the floor of this House of Representatives. It's the debate of the ideas, and that's what helps democracy and moves our state ahead.

"Thank you for your courtesies as they expanded, and I will second the motion."

At 4:18 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Eighteenth Legislature of the State of Hawaii, First Special Session of 1995, adjourned Sine Die.

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

Gov. Msg. No. 2-S informing the House that on June 27, 1995, he signed the following Special Session bills into law:

Senate Bill No. 10-S as Act 1, entitled: "RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM";

Senate Bill No. 12-S as Act 2, entitled: "RELATING TO THE CLEAN HAWAII CENTER";

Senate Bill No. 13-S as Act 3, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

Senate Bill No. 14-S as Act 4, entitled: "MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS"; and

Senate Bill No. 15-S as Act 5, entitled: "RELATING TO PUBLIC ACCESS".

Gov. Msg. No. 3-S informing the House that on June 29, 1995, he signed the following Special Session bills into law:

House Bill No. 1-S as Act 6, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS";

House Bill No. 2-S as Act 7, entitled: "RELATING TO CRIMINAL HISTORY RECORD INFORMATION";

House Bill No. 3-S as Act 8, entitled: "RELATING TO COFFEE";

House Bill No. 5-S as Act 9, entitled: "RELATING TO EDUCATION";

House Bill No. 6-S as Act 10, entitled: "RELATING TO ELECTIONS";

House Bill No. 7-S as Act 11, entitled: "RELATING TO STATE FUNDS";

House Bill No. 8-S as Act 12, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING FUND";

House Bill No. 9-S as Act 13, entitled: "MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS";

House Bill No. 10-S as Act 14, entitled: "RELATING TO HAWAIIAN HOME LANDS";

House Bill No. 11-S as Act 15, entitled: "RELATING TO STATE FINANCES";

House Bill No. 12-S as Act 16, entitled: "RELATING TO GOVERNMENTAL ASSISTANCE";

House Bill No. 13-S as Act 17, entitled: "RELATING TO THE HAWAII HURRICANE RELIEF FUND";

House Bill No. 14-S as Act 18, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 15-S as Act 19, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 16-S as Act 20, entitled: "RELATING TO AGRICULTURE";

House Bill No. 18-S as Act 21, entitled: "MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM";

House Bill No. 19-S as Act 22, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 20-S as Act 23, entitled: "RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT";

Senate Bill No. 1-S as Act 24, entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 2-S as Act 25, entitled: "RELATING TO CRIME";

Senate Bill No. 3-S as Act 26, entitled: "RELATING TO ENVIRONMENTAL EDUCATION"; and

Senate Bill No. 7-S as Act 27, entitled: "RELATING TO ELECTIONS".

Gov. Msg. No. 4-S informing the House that on June 30, 1995, he signed the following Special Session bills into law:

Senate Bill No. 4-S as Act 28, entitled: "RELATING TO STATE BONDS";

Senate Bill No. 6-S as Act 29, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT"; and

Senate Bill No. 11-S as Act 30, entitled: "RELATING TO HOUSING REVOLVING FUNDS".

Gov. Msg. No. 5-S informing the House that on July 3, 1995, he signed the following Special Session bill into law:

Senate Bill No. 5-S as Act 31, entitled: "RELATING TO HOUSING".

Gov. Msg. No. 6-S transmitting his statement of objections to Senate Bill No. 8-S which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

July 27, 1995

**STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 8-S**

Honorable Members
Eighteenth 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. 8-S, entitled, 'A Bill for an Act Relating to Hawaiian Affairs.'

The purpose of Senate Bill No. 8-S is to formally reauthorize the Hui 'Imi Task Force as the Hui 'Imi Pono Advisory Council, placed administratively within the Office of the Lieutenant Governor as a temporary agency for special purposes, for the implementation phase of the task force's recommendations. The bill will appropriate out of the general revenues \$40,500 for each of the fiscal years 1995-1996 and 1996-1997 for staffing the Hui 'Imi Pono Advisory Council. The bill also provides that the State shall reimburse the council members for their necessary expenses, including travel expenses.

As stated in section 1 of the bill, after the submission of the Hui 'Imi Task Force's report, the members of the task force continued to work together on the issues, monitoring to the extent possible which of the report recommendations were being implemented in either public or private programs. Since the members of the task force have continued to work together on the issues even after the task force formally ended, I believe that the laudable goals of the task force do not require legislation to be achieved. Moreover, although this bill will require matching funds from private sources, I believe that private sources should provide whatever funds may be needed for the monitoring and advisory activities of the members of the task force.

Furthermore, efforts are currently being made to reduce government expenditures by reviewing government programs for possible reduction or elimination, which may require the layoff of government employees. Since this bill establishes a new government agency and provides for the hiring of additional employees, it is contrary to our existing efforts to reduce government expenditures.

For the foregoing reasons, I am returning Senate Bill No. 8-S without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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;

WHEREAS, Senate Bill No. 8-S, entitled, 'A Bill for an Act Relating to Hawaiian Affairs,' passed by the Legislature, was presented to the Governor within the aforementioned period;

WHEREAS, Senate Bill No. 8-S is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 8-S with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 26th day of July, 1995.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 7-S informing the House that on August 1, 1995, he signed the following Special Session bills into law:

House Bill No. 4-S as Act 32, entitled: "RELATING TO INSURANCE"; and

Senate Bill No. 9-S as Act 33, entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT".

Gov. Msg. No. 8-S informing the House that after considerable study and reflection, he has decided to permit the following measure to become law on August 15, 1995, without his signature, pursuant to Section 16 of Article III of the State Constitution:

House Bill No. 17-S as Act 34, entitled: "MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS".

**SENATE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Sen. Com. No. 20-S returning House Bill No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 21-S returning House Bill No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 22-S returning House Bill No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 23-S returning House Bill No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 24-S returning House Bill No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 25-S returning House Bill No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 26-S returning House Bill No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 27-S returning House Bill No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 28-S returning House Bill No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 29-S returning House Bill No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 30-S returning House Bill No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 31-S returning House Bill No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 32-S returning House Bill No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 33-S returning House Bill No. 16-S, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 34-S returning House Bill No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 35-S returning House Bill No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 36-S returning House Bill No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," which passed Third Reading in the Senate on June 9, 1995.

Sen. Com. No. 37-S informing the House that Senate Bill No. 4-S, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading in the Senate on June 9, 1995.

STANDING COMMITTEE REPORTS

SCRep. 1-S Finance on H.B. No. 1-S

The purpose of this bill is to authorize the issuance of special purpose revenue bonds of up to \$45,000,000 for the Kapiolani Health Care System and its not-for-profit subsidiaries to finance capital costs related to construction, renovation, and capital equipment purchases.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 898, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 898, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 1-S in the same form that H.B. No. 898, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 1-S is identical in content and form to H.B. No. 898, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 898 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 898, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 12. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Alcon.

SCRep. 2-S Finance on H.B. No. 2-S

The purpose of this bill is to authorize the Hawaii Criminal Justice Data Center (HCJDC) and the agencies acting on the HCJDC's behalf to charge fees for services related to criminal history record information.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 2-S in the same form that H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 2-S is identical in content and form to H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1853 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 26. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Alcon.

SCRep. 3-S Finance on H.B. No. 3-S

The purpose of this bill is to establish the Coffee Inspection Revolving Fund (Fund) to provide inspection services by the Department of Agriculture (DOA) to ascertain and certify the grade, classification, quality, and condition of fresh and processed coffee.

In addition, this bill:

- (1) Provides for an appropriation to be paid into the Fund; and
- (2) Requires the DOA to submit a report prior to the 1996 Regular Session on the progress taken to establish the Fund, including a report on the fees collected by the Fund.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 3-S in substantially the same form that H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor.

The differences between the two bills are technical and nonsubstantive and are to delete the references to "part" in the new section created by Section 1 of H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, for conformity and consistency.

Your Committee finds that H.B. No. 3-S is identical in content and form to H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 2107 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 39. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Alcon.

SCRep. 4-S Finance on H.B. No. 4-S

The purpose of this bill is to establish a means to stabilize and ultimately reduce homeowners' insurance costs by authorizing the Director of Finance to secure the necessary funds to satisfy the share of liability currently reinsured by the Hawaii Hurricane Relief Fund.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 4-S in substantially the same form that H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor. The only difference between the two bills is a technical, nonsubstantive change to substitute an improper reference to the year "1994" with the proper reference of "1993". This reference is found on page 7, line 16, of H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1.

Your Committee finds that H.B. No. 4-S is similar in content and form to H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 2215 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the

House of Representatives and the Senate, as reflected in Conference Committee Report No. 47. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 4-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 5-S Finance on H.B. No. 5-S

The purpose of this bill is to authorize the issuance of general obligation bonds for the construction of public school facilities. Among other things, this bill also:

- (1) Authorizes the Department of Education to deploy one instructional resource augmentation position for each 250 students enrolled in each school;
- (2) Retains the 6.5 percent cap on the Department of Education's administrative expenses;
- (3) Requires that any carryover of funds appropriated to the Department of Education is to be used exclusively for the school-based budgeting program EDN 100, and of those appropriations allocated to the schools, the funds are to remain within the budget of the school to which they were originally allocated; and
- (4) Clarifies that the sum appropriated is to be expended by the Department of Accounting and General Services.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1903, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1903, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 5-S in substantially the same form that H.B. No. 1903, S.D. 1, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 5-S is identical in content and form to H.B. No. 1903, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1903 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1903, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 102. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 5-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 6-S Finance on H.B. No. 6-S

The purpose of this bill is to amend the campaign spending laws to encourage citizen participation in the electoral process, prevent the actuality or appearance of corruption, equalize the resources of candidates, and gather data to detect violations of the campaign spending law's contribution limitations.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 6-S in substantially the same form that H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor.

The differences between the two bills are technical and nonsubstantive and are as follows:

- (1) Refers to "chapter 42D", Hawaii Revised Statutes (HRS), rather than "chapter 42", HRS, to which H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1 refers, since chapter 42D, HRS, replaced chapter 42, HRS (page 3, line 3, of H.B. No. 6-S);
- (2) Deletes \$2,000 as the amount a candidate or candidate's committee may receive from a person and replaces it with "the applicable limits set forth in this section" to conform to and allow for the different levels of contribution limitation for different offices provided in the bill (page 32, lines 5-6, of H.B. No. 6-S);
- (3) Deletes a typographical error (page 40, line 9, of H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1);
- (4) Adds the designation of a subsection "(C)" that was inappropriately omitted (page 42, line 5, of H.B. No. 6-S);
- (5) Deletes the maximum of \$50,000 that may be appropriated from the Hawaii Election Campaign Fund for the Campaign Spending Commission for administrative costs (page 48, lines 8-10, of H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1); and
- (6) Corrects citations to 11-215, HRS, (page 54, line 13; and page 56, line 15, of H.B. No. 6-S).

Your Committee finds that H.B. No. 6-S is similar in content and form to H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 2094 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 104. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 6-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 7-S Finance on H.B. No. 7-S

The purpose of this bill is to improve State government operations by:

- (1) Creating a temporary Interagency Federal Reserve Maximization Revolving Fund to be used to pursue, collect, and distribute additional federal fund reimbursements;
- (2) Establishing a Financial Institution Examiners' Revolving Fund for the payment of various personnel and administrative expenses incurred during the course of a financial institution examination; and
- (3) Requesting that the expenditure of all revolving fund proceeds as well as funds established to provide interdepartmental services must be made by appropriation or allotment, unless specifically exempted.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 7-S in substantially the same form that H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor. The differences between the two bills are technical and nonsubstantive. Specifically, section 15 (Effective Date) has been revised to add the phrase "section 10 shall take effect on June 29, 1995" and has been reformatted for clarity.

Your Committee finds that H.B. No. 7-S is identical in content and form to H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1909 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 107. Since an insignificant

period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 7-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 8-S Finance on H.B. No. 8-S

The purpose of this bill is to ensure that the Occupational Safety and Health Training and Assistance Fund (Fund) fulfills its purpose of providing the education needed to help reduce job-related accidents. Among other things, this bill:

- (1) Designates the Fund as a special fund and allows funds from any source to be deposited into the Fund;
- (2) Increases the amount of moneys to be deposited in the Fund from \$200,000 to \$500,000;
- (3) Appropriates \$500,000 for each year of fiscal biennium 1995-1997 for the Fund; and
- (4) Extends its sunset date from July 1, 1996, to July 1, 1999.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 8-S in substantially the same form that H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 8-S is identical in content and form to H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1996 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 108. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 8-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 9-S Finance on H.B. No. 9-S

The purpose of this bill is to provide funds to help former employees of Waiialua Sugar Company to take advantage of programs and activities which will make them employable in other occupations.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 9-S in substantially the same form that H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 9-S is identical in content and form to H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1785 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 110. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 9-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 10-S Finance on H.B. No. 10-S

The purpose of this bill is to resolve alleged breaches of the Hawaiian home lands trust by:

- (1) Settling disputed issues with finality and certainty;
- (2) Providing a Hawaiian home lands trust fund for the payment of funds to the Department of Hawaiian Home Lands over a period of up to twenty years; and
- (3) Providing for the culmination and closure of various activities and goals initiated by past Legislatures.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 10-S in substantially the same form that H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor. The differences between the two bills are technical and nonsubstantive and are as follows:

- (1) The phrase, "October 27", was inserted on page 14, line 11, of this bill to further clarify the period for which rent payment is being made;
- (2) The date, November 1978, was reworded to November 7, 1978, on page 14, line 20, of this bill to further clarify the public lands formerly under lease of sugarcane cultivation for which payment is being made;
- (3) The prefatory language for Section 14 on page 19, lines 3-4, of this bill was reworded to conform to proper Ramseyering style;
- (4) Quotation marks have replaced apostrophes around the phrase, "actual damages", on page 19, line 5, of this bill, and a closed quotation mark has been inserted at the end of the same section on line 12 of this bill;
- (5) Various corrections were made to the title of the new section established in Section 16, including underscoring, spacing, and the use of boldface.

Your Committee finds that H.B. No. 10-S is identical in content and form to H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1828 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 114. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 10-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee

SCRep. 11-S Finance on H.B. No. 11-S

The purpose of this bill is to reaffirm the Legislature's policy-making function of establishing priorities for the State through appropriations, budget provisos, and other means for the various activities of the State. Among other things, this bill also:

- (1) Effectuates the transfer of \$12 million in non-bond proceeds from the Dwelling Unit Revolving Fund to the General Fund;
- (2) Effectuates the transfer of \$34 million in non-bond proceeds from the Homes Revolving Fund to the General Fund; and
- (3) Appropriates \$50,000 for legislative studies and contractual services by the Office of the Legislative Auditor.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 48, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 11-S in substantially the same form that H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, was transmitted to the Governor. However, your Committee made the following substantive differences as noted in the Governor's Memorandum to the Speaker of the House of Representatives dated May 31, 1995:

- (1) Deleting from Section 4, the Litigation Settlement Clearance Account, Section 103-53, Hawaii Revised Statutes (page 5, lines 19-20, of H.B. No. 48, H.D. 2, S.D. 1, C.D. 1); and
- (2) Deleting from Section 4, the Criminal Forfeiture Revolving Fund, Section 712A-16, Hawaii Revised Statutes (page 6, lines 10-11, of H.B. No. 48, H.D. 2, S.D. 1, C.D. 1).

The technical, nonsubstantive differences between the two bills are as follows:

- (1) Clarifying that the State Comptroller is to establish new appropriation accounts for all funds "other than general funds and general obligation bond funds" on July 1 of each fiscal year (page 1, lines 16-17, of H.B. No. 11-S);
- (2) Clarifying that unencumbered balances from accounts for all funds "other than general funds and general obligation bond funds" established in previous years is to be deposited in the appropriate account for the current fiscal year; except for those funds which are designated by either the Legislature or the "director of finance for transfer to the general fund" (page 1, line 18 to page 2, line 4, of H.B. No. 11-S);
- (3) Inserting "(a)" to designate the appropriate subsection on page 2, line 5, of H.B. No. 11-S;
- (4) Clarifying that the Director of Finance is to submit written notification to the Legislature within ten days of any transfer of non-general funds to "the general fund" (page 2, line 18, of H.B. 11-S);
- (5) Clarifying that the Director of Finance prepare an annual report to be submitted to the Legislature no later than twenty days prior to the convening of each "regular" session on "such" transfers for the preceding fiscal year (page 2, line 21, of H.B. No. 11-S); and
- (6) Clarifying that no later than twenty days prior to the convening of each "regular" session, each department is to submit "to the legislature" a report for each non-general fund account (page 3, lines 2-3, of H.B. No. 11-S).

Your Committee finds that H.B. No. 11-S is similar in content and form to H.B. No. 48, H.D. 2, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 48 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 116. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 11-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 12-S

Finance on H.B. No. 12-S

The purpose of this bill is to assist residents of the Hilo-Hamakua area on the island of Hawaii who are facing the closure of the Hamakua Sugar Company and the Hilo Coast Processing Corporation.

Among other things, this bill:

- (1) Extends for one year the authorization to expend funds appropriated in fiscal years 1993-1994 and 1994-1995, to aid residents of the Hilo-Hamakua area;
- (2) Allows former employees of Mauna Kea Agribusiness Company, Sugar Division, to obtain low-interest loans to help meet their mortgage and other housing expenses;
- (3) Stipulates that a portion of the \$1,500,000 appropriation for the Hilo-Hamakua community is to be expended by the Hamakua/North Hilo Agricultural Cooperative as a grant made pursuant to the Grants, Subsidies, and Purchases of Service Law; and
- (4) Makes other appropriations for purposes that include supporting agriculture, promoting economic development, training displaced sugar workers, supporting the continued use of existing housing, providing social services, and providing for the continued operation of the lower Hamakua ditch.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 12-S in substantially the same form that H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 12-S is identical in content and form to H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1787 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 117. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 12-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 13-5 Finance on H.B. No. 13-S

The purpose of this bill is to correct grammatical mistakes, ambiguities, and technical errors, and to facilitate the administration of the law governing the Hawaii Hurricane Relief Fund by making various technical corrections and substantive changes to the law.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1920, H.D. 2, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 13-S in substantially the same form that H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, was transmitted to the Governor. The only differences between the two bills are technical and nonsubstantive and are as follows:

- (1) Underlined the comma after "thereon" on page 2, line 14, of H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1;
- (2) Removed the Ramseyering on page 9, line 17, of H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, because the law currently reads as such; and

(3) Bracketed out brackets around "Hawaii hurricane relief" on page 14, line 17, of H.B. No. 13-S.

Your Committee finds that H.B. No. 13-S is similar in content and form to H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1920 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 118. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 13-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 14-S Finance on H.B. No. 14-S

The purpose of this bill is to provide the necessary appropriations and authorizations for the operations and capital improvements of the Judiciary during the 1995-1997 fiscal biennium.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 14-S in the same form that H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 14-S is identical in content and form to H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1262 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 120. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 14-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 15-S Finance on H.B. No. 15-S

The purpose of this bill is to appropriate funds for the biennial budget of the Office of Hawaiian Affairs.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 15-S in substantially the same form that H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor.

The differences between the two bills are technical and nonsubstantive and are as follows:

- (1) Deletes "Resources" from the reference to "Health and Human Resources Services" contained in H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, as the program identification for OHA 103; and
- (2) Deletes "and Community" from the reference to "Government and Community Affairs" as the program identification for OHA 106.

Your Committee finds that H.B. No. 15-S is similar in content and form to H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1780 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 121. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 15-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 16-S Finance on H.B. No. 16-S

The purpose of this bill is to:

- (1) Authorize the Department of Budget and Finance to issue up to \$5,000,000 in special purpose revenue bonds to assist Kerr Pacific Corp., dba HFM (Hawaiian Flour Mills) for the establishment of a feed milling operation; and
- (2) Exempt agricultural and horticultural organizations from the General Excise Tax Law.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 16-S in the same form that H.B. No. 1133, H.D. 2, S.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 16-S is identical in content and form to H.B. No. 1133, H.D. 2, S.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 1133 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 1133, H.D. 2, S.D. 1, was ultimately approved by the House of Representatives and the Senate as reflected in Senate Standing Committee Report No. 1271. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 16-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 17-S Finance on H.B. No. 17-S

The purpose of this bill is to appropriate operating funds for the "safe haven" pilot project of the Department of Health.

The safe haven pilot project will provide services to chronically homeless persons who are also mentally ill. The project is designed to provide shelter and address the medical needs of individuals who are often difficult to reach through traditional social and health services. The appropriation will cover the operating costs of the project, including the costs of clinical and clerical staff.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 331, S.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except

bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 331, S.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 17-S in the same form that H.B. No. 331, S.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 17-S is identical in content and form to H.B. No. 331, S.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 331 and its subsequent version, and testimony was received by various committees. H.B. No. 331, S.D. 1, was ultimately approved by the House of Representatives and the Senate. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 17-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 18-S Finance on H.B. No. 18-S

The purpose of this bill is to appropriate funds for the development of a comprehensive, statewide Nonpoint Source Pollution Control Program in the Office of State Planning to enable the State to receive the maximum amount of federal matching funds available.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 7457, H.D. 2, S.D. 2, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 745, H.D. 2, S.D. 2. Your Committee has met for the purpose of properly passing H.B. No. 18-S in substantially the same form that H.B. No. 745, H.D. 2, S.D. 2, was transmitted to the Governor.

Your Committee finds that H.B. No. 18-S is identical in content and form to H.B. No. 745, H.D. 2, S.D. 2. In the Regular Session of 1995, public hearings were held on H.B. No. 745 and subsequent versions of the bill, and testimony was received by various committees. H.B. No. 745, H.D. 2, S.D. 2, was ultimately approved by the House of Representatives and the Senate, as reflected in Senate Committee Report No. 1326. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 18-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 19-S Finance on H.B. No. 19-S

The purpose of this bill is to appropriate \$1,218,555.29 for deposit into the criminal injuries compensation fund to compensate victims of crime and their service providers.

The general appropriations bill, H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 1995, but was delayed in its transmittal to the Governor. As a result, certain bills, including H.B. No. 2021, H.D. 1, did not meet the procedural requirements of Article VII, Section 9, of the State Constitution, which states in part:

In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

Therefore, the Governor has convened a special session for the purpose of addressing the procedural constitutional flaw that prevented the enactment of certain bills, including H.B. No. 2021, H.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 19-S in the same form that H.B. No. 2021, H.D. 1, was transmitted to the Governor.

Your Committee finds that H.B. No. 19-S is identical in content and form to H.B. No. 2021, H.D. 1. In the Regular Session of 1995, public hearings were held on H.B. No. 2021 and its subsequent version, and testimony was received by various committees. H.B. No. 2021, H.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Senate Standing Report No. 1579. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 19-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 20-S Finance on H.B. No. 20-S

The purpose of this bill is to ensure the continuation of the medical services excise tax credit for nursing facilities expenses. The bill also repeals the tax credit for qualified medical expenses.

Testimony in support of the bill was submitted by Hale Ho Aloha, Inc.; Healthcare Association of Hawaii; and several individuals.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 20-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 21-S Finance on S.B. No. 4-S

The purpose of this bill is to authorize the issuance of general obligation bonds and to declare findings that the total amount of principal and interest, estimated for such bonds authorized but unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

Your Committee finds that S.B. No. 4-S is similar in content and form to S.B. No. 304, H.D. 1, C.D. 1. The differences between the two bills are technical and nonsubstantive, including:

- (1) S.B. No. 4-S refers to Fiscal Year "1997-1998", rather than Fiscal Year "1997-1898", to which S.B. No. 304, H.D. 1, C.D. 1 refers (page 5, line 6 of S.B. 4-S);
- (2) S.B. No. 4-S refers to the newly numbered, appropriation bills authorizing the issuance of general obligation bonds that need to be properly passed during this Special Session (page 15, lines 12-16 of S.B. No. 4-S);
- (3) S.B. No. 4-S refers to "Relating to the Hawaii Hurricane Relief Fund", rather than "Related to the Hawaii Hurricane Relief Fund", to which S.B. No. 304, H.D. 1, C.D. 1 refers (page 15, lines 16-17 of S.B. No. 4-S); and
- (4) S.B. No. 4-S refers to the above-named appropriation bills as having passed "this special session of 1995", rather than "this regular session of 1995", to which S.B. No. 304, H.D. 1, C.D. 1 refers on page 16, line 19.

In the Regular Session of 1995, public hearings were held on S.B. No. 304 and its subsequent version, and testimony was received by various committees. S.B. No. 304, H.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 124. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

Additional technical, nonsubstantive amendments were also made for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 4-S, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 4-S, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 22-S Finance on S.B. No. 1-S

The purpose of this bill is to authorize the Department of Human Services (DHS) to plan for and to implement an Electronic Benefit Transfer (EBT) system for the Food Stamp and the Aid to Families with Dependent Children Programs. This bill also appropriates \$60,000 to DHS to conduct a study of the feasibility of implementing an EBT system in Hawaii to be matched by funds from the federal government.

Your Committee finds that S.B. No. 1-S is identical in content and form to S.B. No. 68, S.D. 2, H.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 68 and subsequent versions of the bill, and testimony

was received by various committees. S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 93. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Alcon, Nakasone, M. Oshiro and Marumoto.

SCRep. 23-S Finance on S.B. No. 2-S

The purpose of this bill is to address the issue of prison overcrowding by:

- (1) Establishing a drug court at the state circuit court level;
- (2) Implementing a comprehensive schedule of alternatives to incarceration that do not undermine public safety; and
- (3) Providing rehabilitative and assistance programs for arrestees and the incarcerated.

Your Committee finds that S.B. No. 2-S is similar in content and form to S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session. The only differences between the two bills are technical, nonsubstantive changes. The following changes have been made to S.B. No. 82, S.D. 2, H.D. 2, C.D. 1:

- (1) Substitute the words "if they" for the word "who" on page 2, line 7, and page 5, line 5;
- (2) Insert the word "not" between the words "Have" and "been" on page 5, line 6;
- (3) Insert a comma after the words "House arrest" on page 5, line 19;
- (4) Insert an (a) and a (b) to Section 12 to conform with legislative drafting style;
- (5) Delete a comma after the word "establish" on page 14, line 21; and
- (6) Change the reference from "section 15" to read: "section 18", on page 19, line 5.

In the Regular Session of 1995, public hearings were held on S.B. No. 82 and its subsequent version, and testimony was received by various committees. S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 122. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Alcon, M. Oshiro and Marumoto.

SCRep. 24-S Finance on S.B. No. 3-S

The purpose of this bill is to direct the Department of Health to work with the larger Hawaii community to establish goals, objectives, and priorities for the management and protection of Hawaii's environment.

Your Committee finds that S.B. No. 3-S is similar in content and form to S.B. No. 201, S.D. 1, H.D. 1, C.D. 1. The differences between the two bills are technical and nonsubstantive and are as follows:

- (1) In Section 2, subsection (c), on page 3, line 15, of S.B. No. 3-S, the words "date of this" have been inserted at the end of the first sentence before the word "Act";
- (2) In Section 3, on page 4, line 6, of S.B. No. 3-S, the phrase "to the legislature" has been inserted in the last sentence after the phrase "submit its final report";
- (3) In Section 7, on page 4, line 18, of S.B. No. 3-S, the words "of land and natural resources" have been inserted in the first sentence after the word "department"; and
- (4) In Section 7, on page 5, line 7, of S.B. No. 3-S, the phrase "convening of the regular session of 1996" has been substituted for the phrase "1996 legislative session".

In the Regular Session of 1995, public hearings were held on S.B. No. 201 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 123. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Alcon, M. Oshiro and Marumoto.

SCRep. 25-S Finance on S.B. No. 5-S

The purpose of this bill is to appropriate funds to address the housing needs of the former employees of Waialua Sugar Company.

Your Committee finds that S.B. No. 5-S is similar in content and form to S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, except that the word "that" in Section 3, page 3, line 17, of S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, has been omitted.

In the Regular Session of 1995, public hearings were held on S.B. No. 458 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 125. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 5-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 26-S Finance on S.B. No. 6-S

The purpose of this bill is to appropriate funds, on a matching basis, to support the Hawaiian Sugar Planters Association's experiment station's efforts in sugarcane research and to make available the resources of the experiment station for diversified agricultural research.

Your Committee finds that S.B. No. 6-S is identical in content and form to S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 1141 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 132. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 6-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 27-S Finance on S.B. No. 7-S

The purpose of this bill is to temporarily transfer the elections related functions and duties of the office of the lieutenant governor to an appointed chief election officer.

Additionally, this bill:

- (1) Establishes an office of elections within the office of the lieutenant governor for administrative purposes;
- (2) Establishes an elections appointment panel to select and appoint the chief elections officer; and
- (3) Requires the governor to identify and direct other duties as necessary to the lieutenant governor.

Your Committee finds that S.B. No. 7-S is similar in content and form to S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, of the 1995 Regular Session. The only difference between the two bills is a technical, nonsubstantive change to add a new provision, Section 13, to ensure that amendments made to the same Hawaii Revised Statutes sections by other bills are preserved and not superseded by this bill.

In the Regular Session of 1995, public hearings were held on S.B. No. 1331 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 133. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 7-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 28-S Finance on S.B. No. 8-S

The purpose of this bill is to formally reauthorize the Hui 'Imi Task Force as a temporary part of the Lieutenant Governor's Office for the implementation phase of its recommendations and to establish it as the Hui 'Imi Pono Advisory Council.

Your Committee finds that S.B. No. 8-S is identical in content and form to S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 1336 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 127. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 8-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 29-S Finance on S.B. No. 9-S

The purpose of this bill is to authorize the issuance of special purpose revenue bonds in a total amount not to exceed \$6,000,000 to assist Pacific Controls, Inc., in establishing a medical waste incineration and disposal facility in the Campbell Industrial Park.

Your Committee finds that S.B. No. 9-S is similar in content and form to S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, except that the word "expressed" was changed to "express" (page 2, line 8, of S.B. No. 9-S).

In the Regular Session of 1995, public hearings were held on S.B. No. 1410 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 85. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 9-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.
(Representative Kahikina voted no.)

SCRep. 30-S Finance on S.B. No. 10-S

The purpose of this bill is to increase the authorized amount of tax exempt revenue bonds to be issued for the Hula Mae single family mortgage purchase program.

Specifically, this bill increases the authorized amount by an additional \$500,000,000 from \$1,275,000,000 to \$1,775,000,000.

Your Committee finds that S.B. No. 10-S is identical in content and form to S.B. No. 1699, S.D. 2. In the Regular Session of 1995, public hearings were held on S.B. No. 1669 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1669, S.D. 2, was ultimately approved by the House of Representatives and the Senate. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 10-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 31-S Finance on S.B. No. 11-S

The purpose of this bill is to enable the Housing Finance and Development Corporation to utilize available affordable housing moneys in a more efficient manner and provide various forms of housing assistance to the displaced employees of several major agricultural operations currently in the process of closure.

Your Committee finds that S.B. No. 11-S is identical in content and form to S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 1701 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 135. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 11-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 32-S Finance on S.B. No. 12-S

The purpose of this bill is to clarify the powers and duties of the Clean Hawaii Center.

Your Committee finds that S.B. No. 12-S is identical in content and form to S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 1739 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 136. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 12-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.
(Representative Ward voted no.)

SCRep. 33-S Finance on S.B. No. 13-S

The purpose of this bill is to appropriate funds to satisfy certain claims against the State for overpayment of taxes, refunds, reimbursements, payments of judgments or settlements, or other liabilities.

Your Committee finds that S.B. No. 13-S is similar in content and form to S.B. No. 1763, S.D. 1, H.D. 2, except that claims for Schroeder (page 3, lines 24-43, of S.B. No. 13-S), Mark Development Inc. (page 3, line 45, to page 4, line 1, of S.B. No. 13-S), and Lusía Silva (page 4, lines 3-4, of S.B. No. 13-S) have been added.

In the Regular Session of 1995, public hearings were held on S.B. No. 1763 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1763, S.D. 1, H.D. 2, was ultimately approved by the House of Representatives and the Senate. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 13-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 34-S Finance on S.B. No. 14-S

The purpose of this bill is to appropriate and authorize funds for fiscal biennium 1995-1997 for collective bargaining cost items in the agreements negotiated with collective bargaining units 3, 4, and 13, and for salary increases and other cost adjustments for State officers and employees excluded from collective bargaining.

Your Committee finds that S.B. No. 14-S is identical in content and form to S.B. No. 1797, H.D. 1. In the Regular Session of 1995, public hearings were held on S.B. No. 1797 and its subsequent version, and testimony was received by various committees. S.B. No. 1797, H.D. 1, was ultimately approved by the House of Representatives and the Senate. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 14-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

SCRep. 35-S Finance on S.B. No. 15-S

The purpose of this bill is to appropriate funds for fiscal year 1995-1996 for:

- (1) Staff; equipment, and operation of the Public access Room;
- (2) Installation and operation of sound systems for House and Senate conference rooms in the State Capitol;
- (3) Production and distribution of television broadcasts of legislative proceedings;
- (4) Plans and design to install electronic hardware and equipment to provide greater public access to the Legislature through television broadcasts of legislative proceedings; and

- (5) Grants-in-aid to purchase taping and other equipment needed for rebroadcasting state legislative programming by Ho'ike Kauai, Akaku: Maui Community Television, and Na Leo 'O Hawai'i.

Your Committee finds that S.B. No. 15-S is similar in content and form to S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1. The only difference between the two bills is a technical, nonsubstantive change to ensure the carry-over of previously appropriated funds for fiscal year 1995-1996 to provide cable television broadcasts of legislative proceedings. Specifically, Section 11 (the effective date section of this measure) was amended so that Section 6 of the bill will take effect June 29, 1995.

In the Regular Session of 1995, public hearings were held on S.B. No. 1939 and subsequent versions of the bill, and testimony was received by various committees. S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, was ultimately approved by the House of Representatives and the Senate, as reflected in Conference Committee Report No. 94. Since an insignificant period of time has passed since then, your Committee finds that there is no compelling reason to schedule further public hearings on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 15-S and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives M. Oshiro and Marumoto.

NUMBER AND TITLE	Introduced Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. 1-S A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS.	5	5	9	14	30			28		6	
H.B. 2-S A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION.	5	5	9	14	30			28		7	
H.B. 3-S A BILL FOR AN ACT RELATING TO COFFEE.	5	5	9	14	30			28		8	
H.B. 4-S A BILL FOR AN ACT RELATING TO INSURANCE.	5	5	9	14	30			29		32	
H.B. 5-S A BILL FOR AN ACT RELATING TO EDUCATION.	5	5	9	14	30			28		9	
H.B. 6-S A BILL FOR AN ACT RELATING TO ELECTIONS.	5	5	9	14	26		26	28		10	
H.B. 7-S A BILL FOR AN ACT RELATING TO STATE FUNDS.	5	5	10	14	30			28		11	
H.B. 8-S A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND.	5	5	10	14	30			28		12	
H.B. 9-S A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS.	5	5	10	14	30			28		13	

NUMBER AND TITLE	Introduced Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. 10-S A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS.	5	5	10	14	30			28		14	
H.B. 11-S A BILL FOR AN ACT RELATING TO STATE FINANCES.	5	5	10	15	26		26	28		15	
H.B. 12-S A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE.	5	5	11	15	30			28		16	
H.B. 13-S A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND.	5	5	11	15	30			28		17	
H.B. 14-S A BILL FOR AN ACT RELATING TO THE JUDICIARY.	5	5	11	15	30			28		18	
H.B. 15-S A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET.	5	5	11	15	30			28		19	
H.B. 16-S A BILL FOR AN ACT RELATING TO AGRICULTURE.	5	5	11	16	30			28		20	
H.B. 17-S A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS.	5	5	11	16	30			29		34	
H.B. 18-S A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM.	5	5	11	16	30			28		21	

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
H.R. 1-S AUTHORIZING THE SPEAKER OF THE HOUSE TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 5TH DAY (JUNE 9, 1995).	27			27
H.R. 2-S AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 1995, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.	27			27

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoesd
S.B. 1-S A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE.	18	18	19 21	24				28		24	
S.B. 2-S A BILL FOR AN ACT RELATING TO CRIME.	18	18	19 21	24				28		25	
S.B. 3-S A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION.	18	18	19 21	24				28		26	
S.B. 4-S A BILL FOR AN ACT RELATING TO STATE BONDS.	18	18	19 21	24	30			28		28	
S.B. 5-S A BILL FOR AN ACT RELATING TO HOUSING.	18	18	19 21	24				28		31	
S.B. 6-S A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT.	19	19	19 21	24				28		29	
S.B. 7-S A BILL FOR AN ACT RELATING TO ELECTIONS.	19	19	19 21	24				28		27	
S.B. 8-S A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS.	19	19	19 21	24				28			28
S.B. 9-S A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT.	19	19	19 22	24				29		33	

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoes
S.B. 10-S A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM.	19	19	20 22	25				28		1	
S.B. 11-S A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS.	19	19	20 22	25				28		30	
S.B. 12-S A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER.	19	19	20 22	25				28		2	
S.B. 13-S A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATION THEREFOR.	19	19	20 22	26				28		3	
S.B. 14-S A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.	19	19	20 22	26				28		4	
S.B. 15-S A BILL FOR AN ACT RELATING TO PUBLIC ACCESS.	19	19	20 22	26				28		5	