

**THE
TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
SPECIAL SESSION OF 2008
JOURNAL OF THE HOUSE**

Tuesday, July 8, 2008

In accordance with the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, the House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii convened in Special Session on Tuesday, July 8, 2008.

The Honorable Calvin K.Y. Say, member of the Twentieth District, having been elected Speaker of the House of Representatives on the Opening Day of the Twenty-Fourth 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 11:38 o'clock a.m., announcing:

"Members, today we gather in accordance with Article III, Section 16 of the Hawaii State Constitution which provides that the Governor shall have 45 days after adjournment of the Legislature sine die, to consider bills presented after adjournment, and which allows the Governor to return any bill with her objections. These said provisions allow the Legislature to convene at or before noon on the 45th day in a special session, without call, for the sole purpose of acting upon any such bill returned by the Governor.

"This day of July 8th is the 45th day after adjournment sine die of the Regular Session of 2008. At this time, will the House please come to order."

The invocation was delivered by Representative Tommy Waters, after which the Roll was called showing all members present with the exception of Representatives Bertram, McKelvey, Nakasone, Saiki, Thielen and Tokioka, who were excused.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 362 through 512) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 362, informing the House that on May 2, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2816 SD 1 HD2

On May 1, 2008, Senate Bill No. 2816, entitled "A Bill for an Act Relating to Intra-County Ferry Service," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The purpose of this bill is to provide priority assignment of mooring space from Maalaea Harbor to Lahaina for intra-county ferry service regulated by the Public Utilities Commission. This bill further exempts these ferries which serve counties under 500,000 in population from paying the State fuel tax on fuels used in their operations.

This bill raises a number of concerns. This bill would grant preferential mooring rights to ferry operators ahead of non-ferry vessels seeking the same limited space in Maalaea Harbor.

According to the State Department of Land and Natural Resources, there is a waiting list of 134 persons requesting space at this small boat harbor. Some of the individuals on this list have been waiting upwards of 10 years to obtain a mooring. Thus, I am concerned at the fact that this measure gives the ferry vessels a legal right to be placed at the top of the list.

I am proud that my Administration has taken much needed steps to upgrade and improve small boat harbors in our state, including Maalaea Harbor. Construction is already underway to rebuild the harbor and is expected to continue through 2011. As a result, vessels will need to be shuttled to different locations and mooring space will be further constrained during this period of time. This initiative will make it harder to accommodate ferry operations covered by this bill. The Small Harbors Division has already indicated they will work with the ferry operators to try to accommodate them to the extent possible.

Despite these concerns, the State and my Administration recognize the importance of providing safe, efficient intra-state ferry service to our island populations. Thus, we provide certain benefits to intra-state commerce vessels that are regulated by the Public Utilities Commission. Further, the Legislature has recognized the public purposes of these types of operations by enacting Act 9 of 2001 that granted fee waivers to intra-state ferry operators.

As part of our ongoing efforts to improve the transport of passengers and cargo within our island community, I have, for the foregoing reasons, allowed Senate Bill No. 2816 to become law as Act 57, effective May 1, 2008, without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 363, informing the House that on May 2, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2153 SD1 HD1

On May 1, 2008, Senate Bill No. 2153, entitled "A Bill for an Act Relating to Income Tax Credit," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The stated purpose of this bill is to meet the Constitutional mandate, as required under Article VII, Section 6 of the Hawaii Constitution to provide a refund or credit to the taxpayers of the State of Hawaii. This refund must be given when the revenues of the State of Hawaii exceed the State's general fund balances by at least 5% for two consecutive years.

This bill makes a mockery of the Constitutional provision that recognized the State should not retain the taxpayers' money when it has collected more revenues than is required to operate. The Constitutional provision for a refund was enacted in 1978. Since that time there have been 18 times previously when the refund threshold was reached and the Legislature was obliged to return funds to the

residents of this state. Regrettably in all by five occasions, only a single \$1 was returned.

The token amount in this year's bill comes at a time when families in Hawaii are facing increased costs of living. On Oahu, for example, the cost of gasoline, vehicle fees, property taxes, electricity, and water and sewer service rose an average of 70% since 2002. On the neighbor islands the increases have ranged from 50% on the island of Hawaii to 74% on Kauai.

These increases, coupled with a slowing economy, argue that this is indeed the time when returning money to consumers should be part of the economic stimulus package of this state. It is ironic that tax rebates recently were enacted by Congress, but the majority-party-controlled Legislature of this state does not agree with their Congressional colleagues and provides what some have called a "Scrooge-like pittance" to our population.

What is particularly unfortunate is taxpayers will not be able to reclaim their token \$1 until they file their taxes in 2009.

It is wrong to claim that the State cannot afford tax relief. In December of 2007 I presented a six-year balanced budget to the State Legislature that included \$102 million in targeted tax relief for Hawaii's families. I have periodically adjusted this budget to reflect changing economic conditions and last month again issued an updated balanced financial plan that included tax relief. To claim that tax relief is not fiscally possible is to not be honest with the people who support us--the taxpayers of this state. It should be noted that legislators have found the resources to increase their own salaries by over 60% over the next several years.

My Administration remains proud of the tax reforms we have successfully enacted over the past six years, including increasing the standard deduction, widening the tax brackets, and providing some tax credits. But this is not enough, and I will continue to champion genuine, long-term tax relief to the citizens of our state.

In keeping with the Constitutional requirement, I allowed Senate Bill No. 2153 to become law as Act 58, effective May 1, 2008, without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 364, informing the House that on May 7, 2008, the following bill was signed into law:

H.B. No. 3109, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS." (ACT 063)

Gov. Msg. No. 365, dated May 6, 2008, transmitting the Department of Defense's Annual Report for fiscal year ending June 30, 2007.

Gov. Msg. No. 366, informing the House that on May 12, 2008, the following bill was signed into law:

H.B. No. 2009, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS." (ACT 064)

Gov. Msg. No. 367, informing the House that on May 12, 2008, the following bill was signed into law:

H.B. No. 1402, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES." (ACT 065)

Gov. Msg. No. 368, informing the House that on May 12, 2008, the following bill was signed into law:

H.B. No. 2953, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES." (ACT 066)

Gov. Msg. No. 369, informing the House that on May 13, 2008, the following bill was signed into law:

S.B. No. 2961, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES." (ACT 067)

Gov. Msg. No. 370, informing the House that on May 13, 2008, the following bill was signed into law:

S.B. No. 1035, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MAKAHIKI DAY COMMEMORATION." (ACT 068)

Gov. Msg. No. 371, informing the House that on May 13, 2008, the following bill was signed into law:

S.B. No. 2785, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT JURISDICTION." (ACT 069)

Gov. Msg. No. 372, informing the House that on May 14, 2008, the following bill was signed into law:

H.B. No. 2894, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS." (ACT 070)

Gov. Msg. No. 373, informing the House that on May 14, 2008, the following bill was signed into law:

S.B. No. 2499, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO TARO." (ACT 071)

Gov. Msg. No. 374, informing the House that on May 14, 2008, the following bill was signed into law:

S.B. No. 2464, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MAMMAL." (ACT 072)

Gov. Msg. No. 375, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 2614, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND PACIFIC ACADEMY." (ACT 073)

Gov. Msg. No. 376, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 2547, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MAUI PREPARATORY ACADEMY." (ACT 074)

Gov. Msg. No. 377, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 2271, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CASTLE MEDICAL CENTER AND ITS AFFILIATES." (ACT 075)

Gov. Msg. No. 378, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 2460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 076)

Gov. Msg. No. 379, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 1978, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER." (ACT 077)

Gov. Msg. No. 380, informing the House that on May 15, 2008, the following bill was signed into law:

S.B. No. 3076, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGISTS." (ACT 078)

Gov. Msg. No. 381, informing the House that on May 15, 2008, the following bill was signed into law:

H.B. No. 2917, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS." (ACT 079)

Gov. Msg. No. 382, informing the House that on May 16, 2008, the following bill was signed into law:

H.B. No. 3040, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 080)

Gov. Msg. No. 383, informing the House that on May 16, 2008, the following bill was signed into law:

H.B. No. 2346, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR." (ACT 081)

Gov. Msg. No. 384, informing the House that on May 20, 2008, the following bill was signed into law:

H.B. No. 2770, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE PROGRAM." (ACT 082)

Gov. Msg. No. 385, informing the House that on May 20, 2008, the following bill was signed into law:

H.B. No. 3151, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PERMITTING FEES." (ACT 083)

Gov. Msg. No. 386, informing the House that on May 20, 2008, the following bill was signed into law:

H.B. No. 2164, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CANCER RESEARCH SPECIAL FUND." (ACT 084)

Gov. Msg. No. 387, informing the House that on May 21, 2008, the following bill was signed into law:

H.B. No. 3126, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT." (ACT 085)

Gov. Msg. No. 388, informing the House that on May 21, 2008, the following bill was signed into law:

S.B. No. 3092, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER." (ACT 086)

Gov. Msg. No. 389, informing the House that on May 21, 2008, the following bill was signed into law:

H.B. No. 3150, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT." (ACT 087)

Gov. Msg. No. 390, informing the House that on May 21, 2008, the following bill was signed into law:

S.B. No. 3061, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM." (ACT 088)

Gov. Msg. No. 391, informing the House that on May 21, 2008, the following bill was signed into law:

H.B. No. 1755, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX." (ACT 089)

Gov. Msg. No. 392, informing the House that on May 21, 2008, the following bill was signed into law:

H.B. No. 3179, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF RENEWABLE ENERGY PRODUCER." (ACT 090)

Gov. Msg. No. 393, dated May 19, 2008, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2007.

Gov. Msg. No. 394, dated May 20, 2008, transmitting the Governor's report pursuant to provisions of Act 213, SLH 2007, the General Appropriations Act of 2007.

Gov. Msg. No. 395, informing the House that on May 22, 2008, the following bill was signed into law:

H.B. No. 2589, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCRAP METAL." (ACT 091)

Gov. Msg. No. 396, informing the House that on May 22, 2008, the following bill was signed into law:

H.B. No. 1365, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII DEFERRED COMPENSATION PLANS." (ACT 092)

Gov. Msg. No. 397, informing the House that on May 22, 2008, the following bill was signed into law:

H.B. No. 3191, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 093)

Gov. Msg. No. 398, informing the House that on May 22, 2008, the following bill was signed into law:

S.B. No. 788, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF." (ACT 094)

Gov. Msg. No. 399, informing the House that on May 22, 2008, the following bill was signed into law:

S.B. No. 2784, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST." (ACT 095)

Gov. Msg. No. 400, informing the House that on May 22, 2008, the following bill was signed into law:

H.B. No. 3173, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS." (ACT 096)

Gov. Msg. No. 401, informing the House that on May 22, 2008, the following bill was signed into law:

H.B. No. 2965, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SECURITY." (ACT 097)

Gov. Msg. No. 402, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 1802, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH." (ACT 098)

Gov. Msg. No. 403, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 3069, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH OR TO CUSTODY OF DIRECTOR OF HEALTH." (ACT 099)

Gov. Msg. No. 404, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 2396, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH." (ACT 100)

Gov. Msg. No. 405, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 2400, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005." (ACT 101)

Gov. Msg. No. 406, informing the House that on May 23, 2008, the following bill was signed into law:

H.B. No. 2700, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 102)

Gov. Msg. No. 407, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 2034, HD 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OCEANLIX HAWAII LLC." (ACT 103)

Gov. Msg. No. 408, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 1720, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST JACOBY DEVELOPMENT, INC., A PROCESSING ENTERPRISE." (ACT 104)

Gov. Msg. No. 409, informing the House that on May 23, 2008, the following bill was signed into law:

S.B. No. 3190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SOPOGY INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY ON THE ISLAND OF OAHU." (ACT 105)

Gov. Msg. No. 410, informing the House that on May 23, 2008, the following bill was signed into law:

H.B. No. 2245, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 106)

Gov. Msg. No. 411, informing the House that on May 23, 2008, the following bill was signed into law:

H.B. No. 660, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE CIRCUIT COURTS." (ACT 107)

Gov. Msg. No. 412, informing the House that on May 23, 2008, the following bill was signed into law:

H.B. No. 3085, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION." (ACT 108)

Gov. Msg. No. 413, informing the House that on May 23, 2008, the following bill was signed into law:

H.B. No. 3120, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES." (ACT 109)

Gov. Msg. No. 414, dated May 19, 2008, transmitting the Department of Land and Natural Resources' report Position(s) Not Authorized By The Legislature – Kaho'olawe Island Reserve Commission – in response to Section 191 of Act 213, Session Laws of Hawaii 2007.

Gov. Msg. No. 415, informing the House that on May 27, 2008, the following bill was signed into law:

S.B. No. 2808, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS." (ACT 110)

Gov. Msg. No. 416, informing the House that on May 27, 2008, the following bill was signed into law:

S.B. No. 2895, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER." (ACT 111)

Gov. Msg. No. 417, informing the House that on May 27, 2008, the following bill was signed into law:

H.B. No. 3174, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FISHERIES REGULATIONS." (ACT 112)

Gov. Msg. No. 418, informing the House that on May 27, 2008, the following bill was signed into law:

H.B. No. 3175, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE FISHING REPORTS." (ACT 113)

Gov. Msg. No. 419, informing the House that on May 27, 2008, the following bill was signed into law:

S.B. No. 2054, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT." (ACT 114)

Gov. Msg. No. 420, informing the House that on May 27, 2008, the following bill was signed into law:

S.B. No. 2768, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST THE MAUI REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION." (ACT 115)

Gov. Msg. No. 421, informing the House that on May 27, 2008, the following bill was signed into law:

H.B. No. 2168, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS." (ACT 116)

Gov. Msg. No. 422, informing the House that on May 27, 2008, the following bill was signed into law:

S.B. No. 2040, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CANCER SURVEILLANCE." (ACT 117)

Gov. Msg. No. 423, informing the House that on May 28, 2008, the following bill was signed into law:

S.B. No. 3001, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY." (ACT 118)

Gov. Msg. No. 424, informing the House that on May 28, 2008, the following bill was signed into law:

S.B. No. 1491, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 119)

Gov. Msg. No. 425, informing the House that on May 28, 2008, the following bill was signed into law:

H.B. No. 2224, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 120)

Gov. Msg. No. 426, informing the House that on May 29, 2008, the following bill was signed into law:

S.B. No. 3174, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING." (ACT 121)

Gov. Msg. No. 427, informing the House that on May 29, 2008, the following bill was signed into law:

H.B. No. 2139, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS." (ACT 122)

Gov. Msg. No. 428, informing the House that on May 29, 2008, the following bill was signed into law:

S.B. No. 2293, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING." (ACT 123)

Gov. Msg. No. 429, informing the House that on May 29, 2008, the following bill was signed into law:

H.B. No. 2450, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE." (ACT 124)

Gov. Msg. No. 430, informing the House that on May 29, 2008, the following bill was signed into law:

S.B. No. 2163, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 125)

Gov. Msg. No. 431, informing the House that on May 29, 2008, the following bill was signed into law:

S.B. No. 2433, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE." (ACT 126)

Gov. Msg. No. 432, informing the House that on May 29, 2008, the following bill was signed into law:

H.B. No. 3352, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF THE HAWAII DISABILITY RIGHTS CENTER." (ACT 127)

Gov. Msg. No. 433, dated May 27, 2008, transmitting the Report of the Temporary Hawaii Inter-Island Ferry Oversight Task Force.

Gov. Msg. No. 434, dated May 19, 2008, transmitting the Report on Establishment of the Hawaii Health Systems Corporation, East Hawaii Regional Board of Directors, pursuant to Act 290, SLH 2007.

Gov. Msg. No. 435, dated May 19, 2008, transmitting the Report on Establishment of the Hawaii Health Systems Corporation, West Hawaii Regional Board of Directors, pursuant to Act 290, SLH 2007.

Gov. Msg. No. 436, dated May 20, 2008, transmitting the Filipino Centennial Celebration Commission's Report on the 100th anniversary of the arrival of Filipinos to Hawaii.

Gov. Msg. No. 437, informing the House that on May 30, 2008, the following bill was signed into law:

S.B. No. 3203, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL HOARDING." (ACT 128)

Gov. Msg. No. 438, informing the House that on May 30, 2008, the following bill was signed into law:

H.B. No. 2204, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIABILITY OF A FIREARM OWNER." (ACT 129)

Gov. Msg. No. 439, informing the House that on May 30, 2008, the following bill was signed into law:

H.B. No. 3249, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 130)

Gov. Msg. No. 440, informing the House that on May 30, 2008, the following bill was signed into law:

S.B. No. 2157, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 131)

Gov. Msg. No. 441, dated May 19, 2008, transmitting the Department of Land and Natural Resources' report Position(s) Not Authorized By The Legislature – Kaho'olawe Island Reserve Commission – in response to Section 191 of Act 213, Session Laws of Hawaii 2007.

Gov. Msg. No. 442, informing the House that on June 2, 2008, the following bill was signed into law:

S.B. No. 3166, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY." (ACT 132)

Gov. Msg. No. 443, informing the House that on June 2, 2008, the following bill was signed into law:

S.B. No. 2456, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT." (ACT 133)

Gov. Msg. No. 444, informing the House that on June 3, 2008, the following bill was signed into law:

S.B. No. 1961, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL." (ACT 134)

Gov. Msg. No. 445, informing the House that on June 3, 2008, the following bill was signed into law:

H.B. No. 2954, SD 1, entitled: "A BILL FOR AN ACT RELATED TO TOWING." (ACT 135)

Gov. Msg. No. 446, informing the House that on June 3, 2008, the following bill was signed into law:

S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR SOCIAL SERVICES PROGRAMS." (ACT 136)

Gov. Msg. No. 447, informing the House that on June 3, 2008, the following bill was signed into law:

H.B. No. 2326, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES." (ACT 137)

Gov. Msg. No. 448, informing the House that on June 3, 2008, the following bill was signed into law:

S.B. No. 2454, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES." (ACT 138)

Gov. Msg. No. 449, informing the House that on June 4, 2008, the following bill was signed into law:

S.B. No. 3102, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND." (ACT 139)

Gov. Msg. No. 450, informing the House that on June 4, 2008, the following bill was signed into law:

S.B. No. 2423, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION." (ACT 140)

Gov. Msg. No. 451, informing the House that on June 5, 2008, the following bill was signed into law:

H.B. No. 2605, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ARMED SERVICES." (ACT 141)

Gov. Msg. No. 452, informing the House that on June 5, 2008, the following bill was signed into law:

S.B. No. 3019, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 142)

Gov. Msg. No. 453, informing the House that on June 5, 2008, the following bill was signed into law:

H.B. No. 2739, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES." (ACT 143)

Gov. Msg. No. 454, informing the House that on June 5, 2008, the following bill was signed into law:

S.B. No. 2170, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND." (ACT 144)

Gov. Msg. No. 455, informing the House that on June 5, 2008, the following bill was signed into law:

S.B. No. 2849, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS." (ACT 145)

Gov. Msg. No. 456, informing the House that on June 6, 2008, the following bill was signed into law:

S.B. No. 3087, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR SUSPENSION ON PUBLIC WORKS PROJECTS." (ACT 146)

Gov. Msg. No. 457, informing the House that on June 6, 2008, the following bill was signed into law:

S.B. No. 2212, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME." (ACT 147)

Gov. Msg. No. 458, informing the House that on June 6, 2008, the following bill was signed into law:

H.B. No. 2697, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT." (ACT 148)

Gov. Msg. No. 459, informing the House that on June 6, 2008, the following bill was signed into law:

S.B. No. 2055, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT." (ACT 149)

Gov. Msg. No. 460, informing the House that on June 6, 2008, the following bill was signed into law:

H.B. No. 2550, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES." (ACT 150)

Gov. Msg. No. 461, informing the House that on June 6, 2008, the following bill was signed into law:

S.B. No. 988, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC ENERGY." (ACT 151)

Gov. Msg. No. 462, informing the House that on June 9, 2008, the following bill was signed into law:

H.B. No. 2971, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 152)

Gov. Msg. No. 463, informing the House that on June 9, 2008, the following bill was signed into law:

H.B. No. 2730, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL REQUIREMENTS FOR NEIGHBORHOOD BOARD MEETINGS." (ACT 153)

Gov. Msg. No. 464, informing the House that on June 9, 2008, the following bill was signed into law:

S.B. No. 2150, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROTECTION." (ACT 154)

Gov. Msg. No. 465, informing the House that on June 9, 2008, the following bill was signed into law:

H.B. No. 2255, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE." (ACT 155)

Gov. Msg. No. 466, informing the House that on June 9, 2008, the following bill was signed into law:

H.B. No. 2710, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RE-EMPLOYMENT OF RETIREES." (ACT 156)

Gov. Msg. No. 467, informing the House that on June 9, 2008, the following bill was signed into law:

S.B. No. 1337, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT." (ACT 157)

Gov. Msg. No. 468, informing the House that on June 10, 2008, the following bill was signed into law:

H.B. No. 2500, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 158)

Gov. Msg. No. 469, informing the House that on June 10, 2008, the following bill was signed into law:

H.B. No. 118, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 159)

Gov. Msg. No. 470, informing the House that on June 10, 2008, the following bill was signed into law:

H.B. No. 2977, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES." (ACT 160)

Gov. Msg. No. 471, informing the House that on June 10, 2008, the following bill was signed into law:

H.B. No. 2955, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHAEOLOGICAL DATA." (ACT 161)

Gov. Msg. No. 472, informing the House that on June 10, 2008, the following bill was signed into law:

S.B. No. 2482, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSTITUTE OF MARINE BIOLOGY." (ACT 162)

Gov. Msg. No. 473, informing the House that on June 10, 2008, the following bill was signed into law:

S.B. No. 2169, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES." (ACT 163)

Gov. Msg. No. 474, informing the House that on June 11, 2008, the following bill was signed into law:

S.B. No. 2080, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSURE." (ACT 164)

Gov. Msg. No. 475, informing the House that on June 11, 2008, the following bill was signed into law:

H.B. No. 2366, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ORGAN DONOR REGISTRY." (ACT 165)

Gov. Msg. No. 476, informing the House that on June 11, 2008, the following bill was signed into law:

H.B. No. 2511, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE." (ACT 166)

Gov. Msg. No. 477, informing the House that on June 12, 2008, the following bill was signed into law:

S.B. No. 2584, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY." (ACT 167)

Gov. Msg. No. 478, informing the House that on June 12, 2008, the following bill was signed into law:

H.B. No. 2253, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING OR REPEALING VARIOUS PROVISIONS OF CHAPTER 281, HAWAII REVISED STATUTES, INTOXICATING LIQUOR, FOR THE PURPOSE OF CLARIFYING LANGUAGE, CORRECTING ERRORS, AND DELETING UNNECESSARY AND OBSOLETE PROVISIONS." (ACT 168)

Gov. Msg. No. 479, informing the House that on June 12, 2008, the following bill was signed into law:

H.B. No. 2810, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RATES." (ACT 169)

Gov. Msg. No. 480, dated May 19, 2008, transmitting the Act 213-07 SLH (Part III, Sec. 15) Report by the Natural Energy Laboratory of Hawaii Authority.

Gov. Msg. No. 481, informing the House that on June 13, 2008, the following bill was signed into law:

S.B. No. 2245, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES." (ACT 170)

Gov. Msg. No. 482, informing the House that on June 13, 2008, the following bill was signed into law:

H.B. No. 3377, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." (ACT 171)

Gov. Msg. No. 483, informing the House that on June 13, 2008, the following bill was signed into law:

S.B. No. 2083, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPERVISION OF ADULT OFFENDERS." (ACT 172)

Gov. Msg. No. 484, informing the House that on June 13, 2008, the following bill was signed into law:

S.B. No. 2146, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING." (ACT 173)

Gov. Msg. No. 485, informing the House that on June 13, 2008, the following bill was signed into law:

S.B. No. 3171, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS AND NONPROFIT ORGANIZATIONS." (ACT 174)

Gov. Msg. No. 486, informing the House that on June 13, 2008, the following bill was signed into law:

H.B. No. 2920, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUD PREVENTION." (ACT 175)

Gov. Msg. No. 487, dated June 13, 2008, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the fiscal year ended June 30, 2007, prepared by the Comptroller, pursuant to Section 40-5, Hawaii Revised Statutes.

Gov. Msg. No. 488, informing the House that on June 16, 2008, the following bill was signed into law:

H.B. No. 2772, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING." (ACT 176)

Gov. Msg. No. 489, informing the House that on June 16, 2008, the following bill was signed into law:

H.B. No. 94, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 177)

Gov. Msg. No. 490, informing the House that on June 16, 2008, the following bill was signed into law:

S.B. No. 2977, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 178)

Gov. Msg. No. 491, informing the House that on June 16, 2008, the following bill was signed into law:

S.B. No. 2004, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 179)

Gov. Msg. No. 492, informing the House that on June 16, 2008, the following bill was signed into law:

S.B. No. 2218, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING." (ACT 180)

Gov. Msg. No. 493, informing the House that on June 16, 2008, the following bill was signed into law:

H.B. No. 2372, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS." (ACT 181)

Gov. Msg. No. 494, informing the House that on June 17, 2008, the following bill was signed into law:

S.B. No. 2879, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 182)

Gov. Msg. No. 495, informing the House that on June 17, 2008, the following bill was signed into law:

H.B. No. 523, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN." (ACT 183)

Gov. Msg. No. 496, informing the House that on June 17, 2008, the following bill was signed into law:

S.B. No. 2373, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE SALES." (ACT 184)

Gov. Msg. No. 497, informing the House that on June 17, 2008, the following bill was signed into law:

H.B. No. 1153, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSORS TO THE MANUFACTURE OF CONTROLLED SUBSTANCES." (ACT 185)

Gov. Msg. No. 498, informing the House that on June 17, 2008, the following bill was signed into law:

S.B. No. 1487, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 186)

Gov. Msg. No. 499, informing the House that on June 18, 2008, the following bill was signed into law:

S.B. No. 2652, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 187)

Gov. Msg. No. 500, informing the House that on June 18, 2008, the following bill was signed into law:

H.B. No. 2978, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 188)

Gov. Msg. No. 501, informing the House that on June 18, 2008, the following bill was signed into law:

S.B. No. 2876, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY." (ACT 189)

Gov. Msg. No. 502, informing the House that on June 18, 2008, the following bill was signed into law:

S.B. No. 3023, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 190)

Gov. Msg. No. 503, informing the House that on June 18, 2008, the following bill was signed into law:

H.B. No. 2492, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS." (ACT 191)

Gov. Msg. No. 504, informing the House that on June 18, 2008, the following bill was signed into law:

H.B. No. 3002, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION." (ACT 192)

Gov. Msg. No. 505, informing the House that on June 18, 2008, the following bill was signed into law:

H.B. No. 3383, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE." (ACT 193)

Gov. Msg. No. 506, informing the House that on June 19, 2008, the following bill was signed into law:

S.B. No. 2826, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 194)

Gov. Msg. No. 507, informing the House that on June 19, 2008, the following bill was signed into law:

S.B. No. 3009, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS." (ACT 195)

Gov. Msg. No. 508, informing the House that on June 19, 2008, the following bill was signed into law:

S.B. No. 3008, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS." (ACT 196)

Gov. Msg. No. 509, informing the House that on June 19, 2008, the following bill was signed into law:

H.B. No. 931, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS." (ACT 197)

Gov. Msg. No. 510, informing the House that on June 20, 2008, the following bill was signed into law:

H.B. No. 1356, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION BOARD ALLOWANCE FOR FORMER FOSTER YOUTH." (ACT 198)

Gov. Msg. No. 511, informing the House that on June 20, 2008, the following bill was signed into law:

S.B. No. 2730, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION." (ACT 199)

Gov. Msg. No. 512, informing the House that on June 20, 2008, the following bill was signed into law:

S.B. No. 3227, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS." (ACT 200)

The following message from the Governor (Gov. Msg. No. 513) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 513, transmitting 52 proclamations giving notice to the House of the Governor's plans to return the following House and Senate Bills:

H.B. No. 1412, A BILL FOR AN ACT RELATING TO THE
HD 1, SD 1, DEPARTMENT OF TAXATION'S
CD 1 BENEFITS-FUNDED REVENUE-
GENERATING COMPUTER INITIATIVES

| | | | |
|---------------------------------------|--|---------------------------------------|---|
| H.B. No. 2062, HD 1, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO LONG-TERM CARE | S.B. No. 156, SD 2, HD 2, CD 1 | A BILL FOR AN ACT RELATING TO VOTING |
| H.B. No. 2085, HD 1, SD 2 | A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION | S.B. No. 871, SD 2, HD 2, CD 1 | A BILL FOR AN ACT RELATING TO FOOD WASTE RECYCLING |
| H.B. No. 2238, HD 1, SD 1 | A BILL FOR AN ACT RELATING TO PUBLIC HOUSING | S.B. No. 1526, SD 2, HD 3, CD 1 | A BILL FOR AN ACT RELATING TO JUDICIARY |
| H.B. No. 2250, HD 1 | A BILL FOR AN ACT RELATING TO TRANSPORTATION | S.B. No. 1793, SD 1, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY |
| H.B. No. 2386, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION | S.B. No. 1804, SD 2, HD 2, CD 1 | A BILL FOR AN ACT RELATING TO THE TRAUMA SYSTEM SPECIAL FUND |
| H.B. No. 2387, HD 1, SD 2 | A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION | S.B. No. 2082, SD 2, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO PUBLIC SAFETY |
| H.B. No. 2388, HD 1, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION | S.B. No. 2196, SD 2, HD 2, CD 1 | A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS |
| H.B. No. 2438, HD 2, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO CIGARETTES | S.B. No. 2198, SD 2, HD 2, CD 2 | A BILL FOR AN ACT RELATING TO LAND CONSERVATION |
| H.B. No. 2519, HD 2, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO HEALTH CARE | S.B. No. 2262, SD 1, HD 2, CD 2 | A BILL FOR AN ACT RELATING TO HEALTH |
| H.B. No. 2520, HD 3, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO CAREGIVERS | S.B. No. 2263, SD 2, HD 1 | A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII |
| H.B. No. 2531, HD 1, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN | S.B. No. 2334, SD 2, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO PUBLIC SAFETY |
| H.B. No. 2675, HD 2, SD 1 | A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA | S.B. No. 2341, SD 1, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO PUBLIC SAFETY |
| H.B. No. 2704, HD 2, SD 1, CD 1 | A BILL FOR AN ACT RELATING TO HAIKU VALLEY | S.B. No. 2345, SD 1, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO CHILDREN |
| H.B. No. 2761, HD 1, SD 1, CD 1 | A BILL FOR AN ACT RELATING TO WOMEN'S HEALTH | S.B. No. 2365, SD 1, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO TRANSPORTATION |
| H.B. No. 2781, HD 2, SD 2, CD 1 | A BILL FOR AN ACT RELATING SMALL BUSINESS | S.B. No. 2434, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY |
| H.B. No. 2843, HD 2, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO INVASIVE SPECIES | S.B. No. 2542, SD 2, HD 2, CD 1 | A BILL FOR AN ACT RELATING TO PUBLIC HEALTH |
| H.B. No. 2847, SD 1, CD 1 | A BILL FOR AN ACT RELATING TO CONDITIONAL LICENSE PERMITS | S.B. No. 2546, SD 2, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO OFFENDER REENTRY |
| H.B. No. 2929, HD 1, SD 1 | A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION | S.B. No. 2644, SD 1, HD 1, CD 1 | A BILL FOR AN ACT RELATING TO THE STATE HISTORIC PRESERVATION OFFICER |
| H.B. No. 2972, HD 1, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO EDUCATION | | |
| H.B. No. 3386, HD 1, SD 2, CD 1 | A BILL FOR AN ACT RELATING TO ATTORNEYS | | |

S.B. No. 2663, A BILL FOR AN ACT RELATING TO THE
SD 2, HD 2, HAWAII TEACHER STANDARDS BOARD
CD 1

of Hawaii, giving notice of my plan to return House Bill No. 1412 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

S.B. No. 2668, A BILL FOR AN ACT RELATING TO THE
SD 2, HD 1, UNIVERSITY OF HAWAII
CD 1

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

S.B. No. 2803, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, PERSONAL INFORMATION
CD 1

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

S.B. No. 2824, A BILL FOR AN ACT RELATING TO
SD 2, HD 1, PROCUREMENT
CD 1

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

S.B. No. 2827, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, PUBLIC CONTRACTS
CD 1

WHEREAS, House Bill No. 2062, entitled "A Bill for an Act Relating to Long-Term Care," passed by the Legislature, was presented to the Governor within the aforementioned period; and

S.B. No. 2830, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, CAREGIVING
CD 1

WHEREAS, House Bill No. 2062 is unacceptable to the Governor of the State of Hawaii;

S.B. No. 2840, A BILL FOR AN ACT RELATING TO SELF-
SD 2, HD 1, SUFFICIENCY
CD 1

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2062 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

S.B. No. 2843, A BILL FOR AN ACT RELATING TO
SD 2, HD 3, ELECTRONIC DEVICE RECYCLING
CD 1

S.B. No. 2867, A BILL FOR AN ACT RELATING TO THE
SD 2, HD 2, HAWAII PUBLIC PROCUREMENT CODE
CD 1

S.B. No. 2878, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, EARLY LEARNING
CD 1

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

S.B. No. 2915, A BILL FOR AN ACT RELATING TO TARO
SD 2, HD 1,
CD 1

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

S.B. No. 2933, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, HOUSEHOLD ENERGY DEMAND
CD 1

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

S.B. No. 3252, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, TEACHERS
CD 1

WHEREAS, House Bill No. 2085, entitled "A Bill for an Act Relating to the Agribusiness Development Corporation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2085 is unacceptable to the Governor of the State of Hawaii;

WHEREAS, House Bill No. 1412, entitled "A Bill for an Act Relating to the Department of Taxation's Benefits-Funded Revenue-Generating Computer Initiatives," passed by the Legislature, was presented to the Governor within the aforementioned period; and

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2085 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

WHEREAS, House Bill No. 1412 is unacceptable to the Governor of the State of Hawaii;

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

NOW, THEREFORE, I, LINDA LINGLE, 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

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2238, entitled "A Bill for an Act Relating to Public Housing," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2238 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2238 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2250, entitled "A Bill for an Act Relating to Transportation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2250 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2250 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a

proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2386, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2386 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2386 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2387, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2387 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2387 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2388, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2388 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2388 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2438, entitled "A Bill for an Act Relating to Cigarettes," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2438 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2438 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2519, entitled "A Bill for an Act Relating to Health Care," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2519 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2519 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2520, entitled "A Bill for an Act Relating to Caregivers," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2520 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2520 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2531, entitled "A Bill for an Act Relating to the West Maui Transportation Access Plan," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2531 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2531 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2675, entitled "A Bill for an Act Relating to Medical Marijuana," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2675 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2675, with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2704, entitled "A Bill for an Act Relating to Ha'iku Valley," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2704 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2704 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days

before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2761, entitled "A Bill for an Act Relating to Women's Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2761 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2761 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2781, entitled "A Bill for an Act Relating to Small Business," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2781 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2781 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2843, entitled "A Bill for an Act Relating to Invasive Species," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2843 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2843 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2847, entitled "A Bill for an Act Relating to Conditional License Permits," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2847 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2847 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2929, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2929 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2929 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2972, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2972 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2972 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3386, entitled "A Bill for an Act Relating to Attorneys," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3386 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3386 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 156, entitled "A Bill for an Act Relating to Voting," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 156 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 156 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 871, entitled "A Bill for an Act Relating to Food Waste Recycling," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 871 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 871 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1526, entitled "A Bill for an Act Relating to Judiciary," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1526 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1526 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1793, entitled "A Bill for an Act Relating to the Natural Energy Laboratory of Hawaii Authority," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1793 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 1793 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1804, entitled "A Bill for an Act Relating to the Trauma System Special Fund," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1804 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 1804 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days, before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2082, entitled "A Bill for an Act Relating to Public Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2082 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2082 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2196, entitled "A Bill for an Act Relating to Commercial Activities on Ocean Waters," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2196 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2196 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2198, entitled "A Bill for an Act Relating to Land Conservation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2198 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2198 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2262, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2262 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2262 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2263, entitled "A Bill for an Act Relating to the University of Hawaii," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2263 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2263 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2334, entitled "A Bill for an Act Relating to Public Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2334 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2334 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2341, entitled "A Bill for an Act Relating to Public Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2341 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2341 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2345, entitled "A Bill for an Act Relating to Children," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2345 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2345 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2365, entitled "A Bill for an Act Relating to Transportation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2365 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2365 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2434, entitled "A Bill for an Act Relating to the Stadium Authority," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2434 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2434 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2542, entitled "A Bill for an Act Relating to Public Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2542 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2542 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2546, entitled "A Bill for an Act Relating to Offender Reentry," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2546 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2546 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2644, entitled "A Bill for an Act Relating to the State Historic Preservation Officer," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2644 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2644 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2663, entitled "A Bill for an Act Relating to the Hawaii Teacher Standards Board," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2663 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2663 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2668, entitled "A Bill for an Act Relating to the University of Hawaii," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2668 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2668 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2803, entitled "A Bill for an Act Relating to Personal Information," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2803 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2803 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2824, entitled "A Bill for an Act Relating to Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS; Senate Bill No. 2824 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2824 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2827, entitled "A Bill for an Act Relating to Public Contracts," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2827 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2827 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2830, entitled "A Bill for an Act Relating to Caregiving," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2830 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2830 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2840, entitled "A Bill for an Act Relating to Self-Sufficiency," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2840 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2840 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2843, entitled "A Bill for an Act Relating to Electronic Device Recycling," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2843 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2843 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2867, entitled "A Bill for an Act Relating to the Hawaii Public Procurement Code," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2867 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2867 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2878, entitled "A Bill for an Act Relating to Early Learning," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2878 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2878 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2915, entitled "A Bill for an Act Relating to Taro," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2915 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2915 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2933, entitled "A Bill for an Act Relating to Household Energy Demand," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2933 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 2933 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3252, entitled "A Bill for an Act Relating to Teachers," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3252 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, 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. 3252 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 23rd
day of June, 2008.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 514 through 524) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 514, informing the House that on June 24, 2008, the following bill was signed into law:

H.B. No. 2698, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT-APPOINTED COUNSEL AND GUARDIANS AD LITEM IN FAMILY COURT." (ACT 201)

Gov. Msg. No. 515, informing the House that on June 24, 2008, the following bill was signed into law:

S.B. No. 2838, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 202)

Gov. Msg. No. 516, informing the House that on June 24, 2008, the following bill was signed into law:

S.B. No. 2825, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 203)

Gov. Msg. No. 517, informing the House that on June 26, 2008, the following bill was signed into law:

S.B. No. 644, SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES." (ACT 204)

Gov. Msg. No. 518, informing the House that on June 27, 2008, the following bill was signed into law:

H.B. No. 3331, HD 2, SD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 205)

Gov. Msg. No. 519, informing the House that on June 27, 2008, the following bill was signed into law:

S.B. No. 2159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS." (ACT 206)

Gov. Msg. No. 520, dated June 27, 2008, transmitting the Report of the Temporary Hawaii Inter-Island Ferry Oversight Task Force pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session.

Gov. Msg. No. 521, informing the House that on July 1, 2008, the following bill was signed into law:

H.B. No. 2863, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 207)

Gov. Msg. No. 522, informing the House that on July 1, 2008, the following bill was signed into law:

H.B. No. 2505, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 208)

Gov. Msg. No. 523, informing the House that on July 1, 2008, the following bill was signed into law:

H.B. No. 2261, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS." (ACT 209)

Gov. Msg. No. 524, informing the House that on July 2, 2008, the following bill was signed into law:

H.B. No. 2557, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE." (ACT 210)

The following message from the Governor (Gov. Msg. No. 525) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 525, informing the House that on July 2, 2008, S.B. No. 2915, SD 2, HD 1, CD 1, was line item vetoed with a specific appropriation item stricken or reduced and her official statement of objections to that specific appropriation item contained in the bill, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 2, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2915

Honorable Members
Twenty-Fourth 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. 2915, entitled "A Bill for an Act Relating to Taro."

The purpose of this bill is to establish the Taro Security and Purity Task Force and to place this task force within the Office of Hawaiian Affairs. I support the intent of this bill to facilitate an open dialogue among stakeholders and to discuss long-term taro viability and growth. This bill complements the findings and recommendations of the Department of Agriculture as reported in their February 2008 report to the Legislature on the Development of a Taro Security and Purity Research Program.

This bill appropriates \$325,000 of general fund monies if the Office of Hawaiian Affairs is able to match these funds. As this appropriation was not included in the State's financial plan, it will stress available resources and must be weighed against other statewide priorities.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken out the \$325,000 appropriation from section 3 at line 20 on page 6 of the bill by drawing a line through the \$325,000 appropriation out of the general fund for fiscal year 2008-2009 for the Taro Security and Parity [*sic*] Task Force and changing the amount to \$0.

I understand the Office of Hawaiian Affairs has already indicated it would be unable to provide the full matching funds for this effort as contemplated in the legislation.

The Office of Hawaiian Affairs is the most appropriate entity to oversee the Taro Security and Purity Task Force. It should be noted that because the Office of Hawaiian Affairs is a separate entity from the executive branch, 826-34, Hawaii Revised Statutes, the default provision for the selection and terms of members of boards and commissions in the executive branch is not applicable to the Office of Hawaiian Affairs. Therefore, it is suggested that the Office of Hawaiian Affairs identify an alternative process for the appointment of members of the Task Force.

For the foregoing reasons, I am returning Senate Bill 2915 with the appropriation in section 3 totaling \$325,000 in general fund appropriations for fiscal year 2008-2009 stricken out and reduced to \$0.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

A BILL FOR AN ACT

RELATING TO TARO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature recognizes the need to develop
 2 non-genetic modification based solutions to protect taro from
 3 disease and insects on a statewide basis. In Senate Concurrent
 4 Resolution No. 206 (2007), the legislature requested the
 5 department of agriculture to develop a taro security and purity
 6 research program to save and protect taro from natural attack.
 7 In 2007, 1,800,000 pounds of taro were imported to Hawaii.
 8 Under existing biosecurity rules, the department of agriculture
 9 was unable to inspect much of the imported taro to protect
 10 existing taro crops in the State.
 11 At the same time, taro farmers are struggling with high
 12 rates of pest and disease infestation, rising crop and land
 13 costs, lack of access to quality water and land resources, a
 14 decline in crop cultivar biodiversity, and a decrease in the
 15 number of families continuing the taro farming lifestyle. Taro
 16 and taro farms are important in helping to promote Hawaii's
 17 economic vitality in agriculture, tourism, health and wellness.

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1 and education and the arts. Taro and taro farms help to sell
 2 Hawaii to the world.
 3 Senate Concurrent Resolution No. 206 (2007) requested the
 4 department of agriculture (DOA) to collaborate with taro growers
 5 and various native Hawaiian groups to develop and adopt a
 6 program that would:
 7 (1) Allow DOA's biosecurity program to protect crops in
 8 Hawaii by inspecting foreign crops upon entrance to
 9 the state, thereby preventing any viruses or insects
 10 from entering the State;
 11 (2) Allow alternative forms of research on taro other than
 12 genetic modification;
 13 (3) Provide public outreach, engagement, and education on
 14 taro research and protection; and
 15 (4) Request the United States Department of Agriculture to
 16 have the Alomae/Bobone virus disease complex and taro
 17 beetles designated as 'actionable pests' in the
 18 findings of the United States Department of
 19 Agriculture and DOA report to prevent the entry of
 20 these pests into Hawaii from foreign countries.
 21 DOA initiated a dialogue with taro farmers from each
 22 island, researchers and representatives from the University of

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1 Hawaii, the Hawaii Farm Bureau, and the office of Hawaiian
 2 affairs to produce a joint report describing the outcomes and
 3 recommendations of the participants. The joint report,
 4 including proposed legislation, was forwarded to the
 5 legislature.

6 One of the primary recommendations of that report was to
 7 form a taro security and purity task force to guide policy and
 8 prioritize research for the protection of taro in Hawaii.

9 To ensure that the task force would have the full
 10 participation of taro farmers who have faced crop hardships for
 11 many years without financial assistance and whose resources are
 12 limited, the participants recommended that funds be appropriated
 13 for the task force for fiscal year 2008-2009.

14 The purpose of this Act is to establish the taro security
 15 and purity task force and appropriate funds for the formation
 16 and operation of the task force with full participation of taro
 17 farmers from all islands:

18 SECTION 2. (a) There is established the taro security and
 19 purity task force that shall be placed within the office of
 20 Hawaiian affairs for administrative purposes.

21 (b) The task force shall include one representative from
 22 each of the following:

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- 1 (1) The office of Hawaiian affairs;
- 2 (2) The department of agriculture;
- 3 (3) The department of land and natural resources;
- 4 (4) The University of Hawaii;
- 5 (5) Onipa'a Na Hui Kalo; and
- 6 (6) The Hawaii Farm Bureau Federation.

7 The task force shall also include a minimum of two
 8 representatives from the taro farming communities of each of the
 9 islands of Kauai, Oahu, Maui, Molokai, and Hawaii, and one
 10 representative of botanical gardens or taro collections in the
 11 State.

12 At no time shall less than fifty per cent of the task force
 13 be comprised of taro farmers.

14 The members of the task force shall select a chairperson
 15 from among its members.

16 The task force members shall serve without compensation but
 17 shall be reimbursed for expenses, including travel expenses,
 18 incurred in the performance of their official duties.

19 (c) The task force shall prioritize its objectives, which
 20 shall include, but not be limited to the following, in order to
 21 ensure that it is able to sufficiently address and render
 22 conclusions:

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S.B. NO. 2915
S.D. 2
H.D. 1
C.D. 1

- 1 (1) Develop guidelines, protocols, and recommendations for
- 2 taro policy, non-genetic modification based taro
- 3 research, and the allocation of resources to ensure
- 4 that taro is saved and protected in Hawaii;
- 5 (2) Develop a program of incentives and projects that have
- 6 the support of a broad spectrum of taro growers that
- 7 will enhance taro security, protect taro purity,
- 8 provide support to taro farms and farmers, and improve
- 9 taro markets for the long-term;
- 10 (3) Support the recovery of traditional Hawaiian taro
- 11 cultivars throughout the State;
- 12 (4) Increase public awareness of the value of taro and its
- 13 role culturally, socially, in health and well-being,
- 14 environmentally, and economically in the State;
- 15 (5) Develop a program to provide taro education and
- 16 training opportunities;
- 17 (6) Develop a program for commercial taro growers to
- 18 maximize business viability and success;
- 19 (7) Develop a taro farming grant program to assist taro
- 20 farmers in need to preserve the cultural legacy of
- 21 taro farming for future generations;

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- 1 (8) Discuss the feasibility and impact of requiring the
- 2 department of land and natural resources to provide
- 3 reduced lease rent rates for taro farmers on state-
- 4 leased land; and
- 5 (9) Develop taro research and outreach for the control and
- 6 eradication of apple snails.
- 7 (d) The task force shall meet at times and locations to be
- 8 determined by its members; provided that the first meeting of
- 9 the task force shall be no later than three months after the
- 10 effective date of this Act.
- 11 (e) The task force shall submit a preliminary report to
- 12 the legislature documenting the status of its progress no later
- 13 than twenty days prior to the convening of the regular session
- 14 of 2009. The task force shall submit a final report to the
- 15 legislature summarizing its program, the results achieved,
- 16 actual expenditures, and recommended legislation no later than
- 17 twenty days prior to the convening of the regular session of
- 18 2010.
- 19 SECTION 3. There is appropriated out of the general
- 20 revenues of the State of Hawaii the sum of ~~2,000,000~~ ²²⁵⁰ or so much
- 21 thereof as may be necessary for fiscal year 2008-2009 to achieve

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- 1 the objectives of the taro security and purity task force, which
- 2 may include:
- 3 (1) Convening and operating the task force, including
- 4 conducting discussions on all islands;
- 5 (2) Contracting at least one person to facilitate,
- 6 coordinate, communicate, and record the work of the
- 7 task force;
- 8 (3) Conducting archival and ethnographic research of the
- 9 history of taro and taro practices in Hawaii and the
- 10 traditional Hawaiian cultivars to aid in its revival
- 11 and to revise Bulletin 84: Taro Varieties in Hawaii
- 12 (1939) which is the key reference for taro growers and
- 13 researchers;
- 14 (4) Protecting the Molokai taro varieties collection, the
- 15 oldest and most complete collection and source of taro
- 16 varieties in Hawaii;
- 17 (5) Conducting taro research and outreach for the control
- 18 and eradication of the apple snail; and
- 19 (6) Preparing the preliminary and final reports to be
- 20 submitted to the legislature.
- 21 The sum appropriated shall be expended by the office of
- 22 Hawaiian affairs for the purposes of this Act; provided that no

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- 1 funds shall be expended unless matched on a dollar for dollar
- 2 basis by the office of Hawaiian affairs.
- 3 SECTION 4. This Act shall take effect on July 1, 2008.

APPROVED this day of , 2008

GOVERNOR OF THE STATE OF HAWAII

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The following messages from the Governor (Gov. Msg. Nos. 526 through 528) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 526, informing the House that on July 3, 2008, the following bill was signed into law:

S.B. No. 2915, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO." (ACT 211)

Gov. Msg. No. 527, informing the House that on July 3, 2008, the following bill was signed into law:

S.B. No. 2459, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING." (ACT 212)

Gov. Msg. No. 528, informing the House that on July 3, 2008, the following bill was signed into law:

H.B. No. 2272, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS." (ACT 213)

The following message from the Governor (Gov. Msg. No. 529) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 529, informing the House that on July 3, 2008, H.B. No. 2531, HD 1, SD 2, CD 1, was line item vetoed with a specific appropriation item stricken or reduced and her official statement of objections to that specific appropriation item contained in the bill, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 3, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2531

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2531, entitled "A Bill for an Act Relating to the West Maui Transportation Access Plan."

The purpose of this bill is to set up a working group to develop a transportation access plan for West Maui, to be used as a model for developing access plans for other areas in the State. I support the intent of this bill to facilitate an open dialogue among stakeholders to discuss and develop a West Maui Transportation Access Plan to address road closures on this part of the island.

This bill appropriates \$50,000 of general fund monies for fiscal year 2008-2009 to hire a consultant without regard to the procurement process. As this appropriation was not included in the State's financial plan and because these funds would be used in a manner that circumvents the procurement process, I am issuing a line item veto.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken out the \$50,000 appropriation from section 3 at line 22 on page 4 of the bill by drawing a line through the \$50,000 appropriation out of the general fund for fiscal year 2008-2009 for the West Maui Transportation Access Plan Working Group and changing the amount to \$0.

For the foregoing reasons, I am returning House Bill No. 2531 with the appropriation in section 3 totaling \$50,000 in general fund appropriations for fiscal year 2008-2009 stricken out and reduced to \$0.

Respectfully,
/s/

LINDA LINGLE
Governor of Hawaii"

ORIGINAL

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

H.B. NO. 2531
H.D. 1
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C.D. 1

A BILL FOR AN ACT

RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that West Maui is one of
2 the largest generators of state and county revenues and is one
3 of the largest visitor destinations outside of Waikiki. Yet
4 access in and out of the region is served by only one major
5 highway that may be closed for days at a moment's notice, which
6 occurred in the past two years due to wildfires. In West Maui,
7 unlike in other areas where a full-blown natural disaster is the
8 cause for a total shutdown of transportation access, events and
9 accidents that do not rise to the level of an emergency have
10 closed the highway for days. Because of the non-emergency
11 status of these incidents, the State has no coordinated plan to
12 transport people into and out of West Maui during road closures.
13 Because there is no hospital in West Maui, such road closures
14 put people's lives at risk. They also divide families, as many
15 Maui residents work in West Maui but reside in other parts of
16 Maui county. The booming visitor industry in West Maui is also
17 jeopardized.

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1 During July of 2007 when a fire closed the highway for
2 several days, a task force was created by the department of land
3 and natural resources to address transportation access to West
4 Maui. However, because no official support was mandated for
5 this group's work, the task force has dispersed. The
6 legislature finds that a West Maui transportation access plan is
7 critical.

8 The purpose of this Act is to require the department of
9 transportation to develop a West Maui transportation access
10 plan, which can serve as a model for developing plans in other
11 areas having similar problems, such as West Kauai, Wainee, and
12 the Kealahou area.

13 SECTION 2. (a) There is created the informal, temporary
14 West Maui transportation access plan working group within the
15 department of transportation to develop a West Maui
16 transportation access plan to address road closures in West
17 Maui. The working group may elect from among its members a
18 chairperson. The working group shall consist of the following
19 members:
20 (1) The director of transportation;
21 (2) The state senator representing district 5 in West
22 Maui;

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H.B. NO. 2531
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- 1 (3) The state representative representing district 10 in
2 West Maui;
- 3 (4) The member of the Maui county council representing
4 West Maui;
- 5 (5) The chief of the highway division of the department of
6 transportation;
- 7 (6) A staff member of the department of land and natural
8 resources representing the Lahaina small boat harbor;
- 9 (7) The mayor of Maui county;
- 10 (8) The director of the department of transportation of
11 Maui county;
- 12 (9) The police chief of Maui county;
- 13 (10) The fire chief of Maui county;
- 14 (11) The administrator of the civil defense agency of Maui
15 county;
- 16 (12) A representative of Lahaina Bypass Now;
- 17 (13) A representative of the Kaanapali Beach Resort
18 Association;
- 19 (14) A representative of the Maui Visitors Bureau;
- 20 (15) A Maui-based representative of Island Air;
- 21 (16) A Maui-based representative of the Car and Truck
22 Renting and Leasing Association;

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- 1 (17) A representative of the Maui Hotel and Lodging
2 Association;
- 3 (18) A Maui-based representative of the Hawaii
4 Transportation Association;
- 5 (19) A representative of the Pacific Radio Group;
- 6 (20) A representative of Expeditions Lanai Ferry;
- 7 (21) A representative of Molokai Princess Ferry; and
- 8 (22) A Maui-based representative of Cruise Lines
9 International Association.
- 10 (b) The temporary working group shall develop a West Maui
11 transportation access plan to address road closures in West Maui
12 and may contract with a consultant to develop the plan without
13 regard to chapter 103D, Hawaii Revised Statutes.
- 14 (c) The temporary working group shall submit a written
15 report including findings, recommendations, the finalized West
16 Maui transportation access plan, and any necessary proposed
17 legislation to the legislature no later than twenty days prior
18 to the convening of the regular session of 2009.
- 19 (d) The temporary working group shall terminate on
20 June 30, 2009.

21 SECTION 3. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of ~~550,000~~ or so much

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C.D. 1

- 1 thereof as may be necessary for fiscal year 2008-2009 for the
2 West Maui transportation access plan temporary working group to
3 develop a West Maui transportation access plan, including the
4 hiring of a technical consultant.
- 5 The sum appropriated shall be expended by the department of
6 transportation for the purposes of this Act.
- 7 SECTION 4. This Act shall take effect upon its approval,
8 except that section 3 shall take effect on July 1, 2008.

APPROVED this day of , 2008

GOVERNOR OF THE STATE OF HAWAII

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The following messages from the Governor (Gov. Msg. Nos. 530 through 533) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 530, informing the House that on July 7, 2008, the following bill was signed into law:

H.B. No. 2531, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN." (ACT 214)

Gov. Msg. No. 531, informing the House that on July 7, 2008, the following bill was signed into law:

H.B. No. 3178, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS." (ACT 215)

Gov. Msg. No. 532, informing the House that on July 7, 2008, the following bill was signed into law:

S.B. No. 1891, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS." (ACT 216)

Gov. Msg. No. 533, informing the House that on July 7, 2008, the following bill was signed into law:

H.B. No. 3177, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT." (ACT 217)

The following messages from the Governor (Gov. Msg. Nos. 534 and 535) were announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 534, informing the House that on July 7, 2008, S.B. No. 2082, SD 2, HD 1, CD 1, was line item vetoed with a specific appropriation item stricken or reduced and her official statement of

objections to that specific appropriation item contained in the bill, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 7, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2082

Honorable Members
Twenty-Fourth 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. 2082, entitled "A Bill for an Act Relating to Public Safety."

This bill requires the Department of Public Safety to develop a plan by January 1, 2009 to ensure that female inmates returning to Hawaii from the mainland have adequate housing, community supervision, medical care, drug treatment, reintegration programs, employment training, and transitional services. A total of \$100,000 is appropriated out of the State general funds for the planning required.

The goal of this bill to safely and effectively allow for the return of female inmates to Hawaii is laudable. I support an effort to plan for the eventual return of female prisoners to Hawaii who wish to return to this state to complete the terms of their sentences.

The Department of Public Safety understands that rehabilitative and educational programs are vital for all inmates reintegrating into society. Current out-of-state correctional centers offer those programs and a host of other services to Hawaii's female inmates, as do certain in-state programs that provide transitional accommodations for incarcerated women.

However, because a program to return all female inmates from the mainland cannot realistically be implemented without an expansion of correctional facilities and services costing hundreds of millions of dollars, it is unlikely this effort can take place within the time horizons contemplated by the supporters of this bill.

This bill appropriates \$100,000 in State general fund monies for fiscal year 2008-2009 to develop the plan. As this appropriation was not included in the State's financial plan, and is outside of the approved biennium budget, I am issuing a line-item veto.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken out the \$100,000 appropriation from section 3 at line 2 on page 3 of the bill by drawing a line through the \$100,000 appropriation out of the general fund for fiscal year 2008-2009 for the Department of Public Safety and changing the amount to \$0.

Given the fiscal constraints faced by the State, our limited resources must be utilized to support existing programs that have an immediate impact and positive results for female prisoners.

For the foregoing reasons, I am returning Senate Bill No. 2082 with the appropriation for fiscal year 2008-2009 stricken out and reduced to \$0.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

S.B. NO. 2082
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that approximately one
2 hundred seventy-five female prisoners who are residents of the
3 State of Hawaii are incarcerated in mainland prisons. Many of
4 these women are parents.

5 The increased likelihood of children of incarcerated
6 parents being at high risk for physical and mental problems,
7 aggression, and criminal activity has been documented in
8 numerous studies by various institutions, including the Center
9 for Children of Incarcerated Parents, the Child Welfare League
10 of America, and the Federal Resource Center for Children of
11 Prisoners.

12 The legislature further finds that the children of Hawaii
13 prisoners incarcerated on the mainland have an even higher risk
14 of becoming troubled due to the geographical separation that
15 precludes regular visits between parent and child and limits
16 access to support services.

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S.B. NO. 2082
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1 The legislature further finds that the current contract for
2 incarcerating female prisoners, who are residents of Hawaii, on
3 the mainland expires in October 2008. The near-term expiration
4 of this contract provides an opportunity for the department of
5 public safety to review what additional facilities and programs
6 must be in place to adequately house and rehabilitate female
7 prisoners upon their return to Hawaii.

8 The purpose of this Act is to create a strategic plan to
9 provide services to the State's female prisoners who are
10 incarcerated on the mainland and who will be returning to
11 Hawaii.

12 SECTION 2. The department of public safety shall develop a
13 strategic plan by January 1, 2009, to provide female prisoners
14 returning to Hawaii adequate:

- 15 (1) Housing;
- 16 (2) Community supervision;
- 17 (3) Medical care;
- 18 (4) Drug treatment;
- 19 (5) Reintegration programs;
- 20 (6) Employment training; and
- 21 (7) Transitional services.

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1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of ~~\$400,000~~ ^{-\$0} or so much
3 thereof as may be necessary for fiscal year 2008-2009 for the
4 department of public safety to develop a strategic plan to
5 ensure successful reentry into the community of as many female
6 prisoners as possible who are returning from incarceration on
7 the mainland and who are residents of the State of Hawaii.
8 The sum appropriated shall be expended by the department of
9 public safety for the purposes of this Act.
10 SECTION 4. This Act shall take effect on July 1, 2008.

APPROVED this _____ day of _____, 2008

GOVERNOR OF THE STATE OF HAWAII

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Gov. Msg. No. 535, informing the House that on July 7, 2008, S.B. No. 2830, SD 2, HD 2, CD 1, was line item vetoed with a specific appropriation item stricken or reduced and her official statement of objections to that specific appropriation item contained in the bill, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 7, 2008

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2830

Honorable Members
Twenty-Fourth 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. 2830, entitled "A Bill for an Act Relating to Caregiving."

The purpose of this bill is to effectuate the wide-ranging recommendations of the Joint Legislative Committee on Family Caregiving and to appropriate funds to expand existing programs and create new programs and services for the elderly. Specifically, the bill changes the Joint Legislative Committee on Family Caregiving to the Joint Legislative Committee on Aging In Place and extends the committee until June 30, 2010. The bill instructs the executive Office on Aging to design a cash and counseling project for non-Medicaid elderly. The legislation expands the scope and funding for the Kupuna Care Program; establishes the Grandparents Raising Grandchildren Task Force, which shall cease on June 30, 2009; instructs the Executive Office on Aging to continue its respite care inventory project; and increases the rate of payment for domiciliary care homes.

This Administration recognizes and understands that many Hawaii residents struggle every day to care for aging or disabled parents, extended family members, and children. These demands can lead to time away from work and lost wages. Over the past two years, the

Joint Legislative Committee on Family Caregiving has contracted research, conducted studies, and held hearings on these important issues.

While I share the Committee's interest in family caregiving, this bill is objectionable because it appropriates money outside of the State's balanced six-year financial plan and approved biennium budget. These funds appear to duplicate appropriations contained in Act 204 of the 2007 legislative session. I am issuing a line item veto of the \$500,000 contained in Part III of this bill. It should be noted that the Kupuna Care Program's base budget for fiscal year 2008-2009 is \$4.9 million. Act 204 of the 2007 legislative session appropriated an additional \$525,000 in general funds outside of the State budget for this program. This bill, SB 2830, would appropriate an additional \$500,000 in general funds also outside of the State's biennium budget.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken out the \$500,000 appropriation from section 7 at line 12 on page 12 of the bill by drawing a line through the \$500,000 appropriation out of the general fund for fiscal year 2008-2009 for the Kupuna Care Program and changing the amount to \$0.

It should be noted that the appropriation of \$289,000 in general funds contained in section 13 of the bill will become law in recognition of the importance of making a modest increase in the level of care payments for domiciliary care homes.

For the foregoing reasons, I am returning Senate Bill No. 2830 with the appropriation in section 7 totaling \$500,000 in general fund appropriations for fiscal year 2008-2009 stricken out and reduced to \$0.

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

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S.B. NO. 2830
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A BILL FOR AN ACT

RELATING TO CAREGIVING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I. JOINT LEGISLATIVE COMMITTEE
2 ON FAMILY CAREGIVING
3 SECTION 1. (a) The legislature finds that during the 2007
4 interim, the joint legislative committee on family caregiving
5 continued its work on creating a comprehensive and sustainable,
6 community-based family caregiver support system that includes:
7 (1) A coordinated referral and case management service;
8 (2) Centralization of available services;
9 (3) Volunteers;
10 (4) Education and training; and
11 (5) Financial assistance.
12 During the 2007 interim, the joint legislative committee
13 examined localized studies and surveys, some of which contained
14 preliminary results, which provided concrete evidence of the
15 needs of family caregivers. The joint legislative committee
16 also studied what other states have done and are doing in
17 response to the growing concern regarding eldercare issues.

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1 (b) The purpose of this part is to:
2 (1) Extend the work of the joint legislative committee on
3 family caregiving for one year and require the
4 committee to submit a report of its findings and
5 recommendations to the legislature prior to the
6 convening of the 2009 regular session;
7 (2) Change the name of the joint legislative committee on
8 family caregiving to the "joint legislative committee
9 on aging in place"; and
10 (3) Require the aging and disability resource center to
11 provide the joint legislative committee with an update
12 on the physical site for the center in Hawaii county
13 and the "virtual" site in the city and county of
14 Honolulu.

15 SECTION 2. Act 285, Session Laws of Hawaii 2006, as
16 amended by Act 204, Session Laws of Hawaii 2007, is amended by
17 amending section 2 to read as follows:

18 "SECTION 2. (a) There is established a joint legislative
19 committee on ~~[family caregiving-]~~ aging in place. The committee
20 shall be composed of eight members as follows:

21 (1) Four members of the house of representatives,
22 consisting of three members from the majority party

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1 and one member from the minority party, who shall be
2 appointed by the speaker of the house of
3 representatives; and
4 (2) Four members of the senate, consisting of three
5 members from the majority party and one member from
6 the minority party, who shall be appointed by the
7 president of the senate.
8 The committee shall select a chairperson from its
9 membership.
10 (b) The joint legislative committee shall develop
11 comprehensive public policy to strengthen support for family
12 caregivers. For purposes of this Act, "family caregiver" means:
13 (1) A person, including a non-relative such as a friend or
14 neighbor, who provides unpaid, informal assistance to
15 a person age sixty and older with physical or
16 cognitive disabilities; and
17 (2) A grandparent who is a caregiver for a grandchild who
18 is age eighteen years or younger, or who is nineteen
19 years of age or older with physical or cognitive
20 limitations.
21 (c) The joint legislative committee shall:
22 (1) Consider providing support in categories including:

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1 (A) Coordinated services and policies;
2 (B) Training and education;
3 (C) Respite services;
4 (D) Financial incentives; and
5 (E) Balancing work and caregiving; ~~[and]~~
6 and
7 (2) Explore establishing a paid family leave program under
8 the state temporary disability insurance law, similar
9 to the California Paid Family Leave Program, to
10 provide wage replacement benefits to employees who
11 take time off from work to care for a seriously ill
12 family member.
13 (d) The joint legislative committee may explore issues of
14 "aging in place" as they relate to family caregiving.
15 (e) The Hawaii aging and disability resource center shall
16 provide an update to the joint legislative committee of its
17 development and implementation of the physical site for the
18 center in the county of Hawaii, and the "virtual" site planned
19 for the city and county of Honolulu.
20 ~~[4d]~~ (f) The joint legislative committee shall seek input
21 from the department of health, the department of human services,
22 the department of taxation, the University of Hawaii, the

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1 executive office on aging, and the elderly, disability,
2 business, and faith-based communities.
3 ~~(f)~~ (g) The joint legislative committee shall submit its
4 findings and recommendations to the legislature no later than
5 twenty days prior to the convening of the regular sessions of
6 2007 ~~and~~, 2008 ~~and~~, and 2010.
7 ~~(f)~~ (h) The joint legislative committee shall cease to
8 exist on June 30, ~~2008~~ 2010."

PART II. FINANCIAL ASSISTANCE FOR CAREGIVING

10 SECTION 3. The cash and counseling program is a national
11 initiative sponsored by the Robert Wood Johnson Foundation; the
12 United States Department of Health and Human Services, Office of
13 the Assistant Secretary for Planning and Evaluation; and the
14 Administration on Aging. Under the program, recipients of
15 medicaid personal care services or home- and community-based
16 services receive a flexible monthly allowance and can decide
17 whom to hire and what services to receive. The program's
18 innovative approach enables participants to direct and manage
19 their personal assistance services according to their own
20 specific needs. Participants can choose a family member or
21 friend, in lieu of an agency worker, to provide the services.
22 They receive counseling and fiscal assistance to help them

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1 manage their allowance and responsibilities. The program was
2 first implemented in Arkansas, New Jersey, and Florida, and has
3 since expanded to include other states.

4 During the 2007 interim, the joint legislative committee on
5 family caregiving received information and data related to the
6 family caregiver needs assessment conducted by the executive
7 office on aging, and cash and counseling research conducted by
8 the executive office on aging and the University of Hawaii
9 school of social work. The family caregiver needs assessment
10 indicated that caregivers need more affordable services and
11 financial assistance. The cash and counseling research
12 demonstrated that those states that have cash and counseling
13 programs reported high satisfaction by both caregivers and care
14 recipients and allowed informal caregivers to receive financial
15 recognition for their services.

16 In Hawaii, there are out-of-pocket costs for families to
17 pay for home- and community-based programs that are available
18 for elders and persons with disabilities. The government pays
19 for services for those who have lower incomes and qualify for
20 medicaid. However, a majority of Hawaii's families are
21 ineligible for public assistance and have to carry the financial
22 burdens of caregiving. This leaves a gap in services for those

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H.D.2
C.D.1

1 elders of modest means. As a result, this group of individuals
2 has the least coverage in terms of home- and community-based
3 services.

4 The work on cash and counseling being conducted by the
5 executive office on aging and the University of Hawaii school of
6 social work will continue until the end of the 2007-2008 fiscal
7 year. The research conducted to date shows that a cash and
8 counseling project is worth pursuing, and it is essential to
9 continue the work in developing phase two of a cash and
10 counseling project, which can be completed by the end of 2008.

11 SECTION 4. The executive office on aging shall design a
12 cash and counseling project for non-medicaid participants to
13 direct and manage their personal assistance services according
14 to their own specific needs, while enabling family caregivers to
15 receive a level of financial recognition and support. In
16 designing a cash and counseling project, the executive office on
17 aging may consider including a respite care component, a case
18 management component, a separate fiscal agent, a personal care
19 component, and allowing the consumer to be the employer of any
20 service provider, whether an agency or family member.

21 The executive office on aging may contract with a qualified
22 consultant to assist in designing a cash and counseling project.

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S.B. NO. 2830
S.D.2
H.D.2
C.D.1

1 The project shall include an advisory group to assist with
2 the design of the cash and counseling project. To ensure that
3 those who have the greatest need and the fewest resources are
4 able to use the program, the advisory group shall examine
5 whether an asset limitation or restriction on consumers shall be
6 implemented in the design of a cash and counseling project.

7 The executive office on aging shall report on the results
8 of its efforts to design a cash and counseling project as part
9 of the joint legislative committee on aging in place's report to
10 the legislature pursuant to section 2 of this Act.

PART III. KUPUNA CARE

12 SECTION 5. (a) On July 1, 1999, the executive office on
13 aging launched its statewide long-term care program called
14 kupuna care. Kupuna care was developed in partnership with the
15 county area agencies-on-aging to address the growing numbers of
16 elders with long-term care needs.

17 Services provided by kupuna care are intended to help meet
18 the needs of older adults who cannot live at home without
19 adequate help from family or formal services, and includes
20 services such as adult day care, respite care, assisted
21 transportation, attendant care, case management, chores, home-
22 delivered meals, homemaker, transportation, and personal care.

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1 Kupuna care was designed to assist, not totally support,
 2 Hawaii's older adults to live independently, safely, and
 3 healthily for as long as possible. The care may cover United
 4 States citizens or legal aliens sixty years or older who are not
 5 receiving other comparable government assistance, who need help
 6 with activities of daily living (eating, dressing, bathing,
 7 toileting, transferring, and mobility), or because they have
 8 reduced mental capacity, and who are not residing in an
 9 institution.

10 Voluntary contributions to the service provider are welcome
 11 for any service provided and are used to support the cost of
 12 care of additional clients. In addition to the services
 13 provided to the elderly, kupuna care also offers services for
 14 the family caregivers of their elderly clients. As Hawaii's
 15 population ages, many more families will be providing higher
 16 levels of long-term care to frail and disabled older adults at
 17 home. For many family caregivers, their role as family
 18 caregiver arises as suddenly as the care recipient's health
 19 declines, leaving the family caregivers with an immediate need
 20 for services, but little preparation or education regarding who
 21 to contact for assistance or what services are available to
 22 them. In addition, family caregivers may not know who is

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1 capable or qualified to provide them with the services that they
 2 or the care recipients need. Family caregivers themselves need
 3 support services, including training, education, and counseling
 4 in areas such as caregiving and dealing with end-of-life issues.

5 In addition, there are emotional, physical, and financial
 6 costs of being a family caregiver. Younger family caregivers
 7 are often in critical need of finding ways to reduce the stress
 8 caused by caregiving. Respite has been shown to reduce stress
 9 and other negative consequences of caregiving. The State of
 10 Hawaii Caregivers Need Assessment (2007) indicates that respite
 11 is something that family caregivers need. Besides the everyday
 12 stress that respite can relieve, there are times when a family
 13 caregiver may unexpectedly be unable to provide the needed
 14 caregiving services due to the family caregiver's own illness,
 15 accident, or other reasons. At these times, emergency respite
 16 care becomes critical.

17 The needs assessment also indicates that family caregivers
 18 need financial support as they carry the heavy financial burdens
 19 of caring for a loved one. In addition, both family caregivers
 20 and care recipients need financial assistance to make necessary
 21 home modifications that enable the care recipient to age in
 22 place.

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1 The legislature finds that the kupuna care program can
 2 expand its services and incorporate progressive ways of meeting
 3 the growing needs of Hawaii's older adults and allow these
 4 individuals to age in place.

5 (b) In addition to current kupuna care operation and
 6 services, the purpose of this part is to:

7 (1) Allow the kupuna care program to:

8 (A) Offer emergency, overnight, and weekend respite
 9 services;

10 (B) Provide grants for home modifications that
 11 facilitate aging in place pursuant to a care plan
 12 as part of a cash and counseling approach; and
 13 (C) Provide grants to family caregivers pursuant to a
 14 care plan as part of a cash and counseling
 15 approach;

16 and

17 (2) Increase program funding for kupuna care to ensure
 18 that kupuna care continues to maintain the quality of
 19 life of Hawaii's older adults and their family
 20 caregivers.

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1 SECTION 6. The kupuna care program, as administered by the
 2 executive office on aging, may, in addition to its current
 3 operation and services:

4 (1) Offer emergency, overnight, and weekend respite
 5 services;

6 (2) Provide grants for home modifications that facilitate
 7 aging in place pursuant to a care plan as part of a
 8 cash and counseling approach; and
 9 (3) Provide grants to family caregivers pursuant to a care
 10 plan as part of a cash and counseling approach.

11 SECTION 7. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of ~~4500,000~~ ^{-10,000} or so much
 13 thereof as may be necessary for fiscal year 2008-2009 to address
 14 the kupuna care program waitlist and for the expansion of the
 15 kupuna care program, in general.

16 The sum appropriated shall be expended by the executive
 17 office on aging for the purposes of this part.

18 PART IV. GRANDPARENTS RAISING GRANDCHILDREN TASK FORCE

19 SECTION 8. (a) Act 204, Session Laws of Hawaii 2007 (Act
 20 204), expanded the mandate of the joint legislative committee on
 21 family caregiving by including grandparents of children aged
 22 eighteen years and younger, or nineteen years of age or older

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1 with physical or cognitive limitations, in Act 204's definition
2 of family caregiver. The revised definition is now more
3 consistent with the scope of the National Family Caregiver
4 Support Program. Act 204 also required the joint legislative
5 committee to examine the issues facing this population of
6 grandparents raising grandchildren.

7 Since then, numerous government agencies have testified
8 before the joint legislative committee regarding how the
9 agencies identify and address the needs of grandparents raising
10 grandchildren. In addition, the executive office on aging
11 presented the 2007 *Needs Assessment of Grandparents Raising*
12 *Grandchildren in the State of Hawaii*, prepared by the University
13 of Hawaii's department of family and consumer science.

14 The needs assessment indicates that, in Hawaii, more than
15 14,000 grandparents are the primary caregivers for more than
16 33,000 grandchildren, and that these numbers are expected to
17 grow. While there is a wide range of service needs within this
18 population, the most often-cited are those that relate to
19 children's programs, financial assistance, respite, and
20 grandparents' rights. Many of these services are available, but
21 barriers are preventing grandparents from accessing them.

22 Barriers may include:


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- 1 (1) A lack of information regarding the availability of
2 services;
- 3 (2) A lack of services in a particular county; or
- 4 (3) Legal or financial impediments.

5 For instance, in focus groups, some grandparents expressed a
6 fear of losing their grandchildren. Others identified a need
7 for an advocate or case worker to help guide them to the
8 services and through the various systems.

9 (b) The legislature finds that the needs assessment
10 provides critical demographic information and feedback regarding
11 what programs and services grandparents require to care for
12 their grandchildren. The findings indicate that the population
13 of grandparents raising grandchildren faces particular
14 challenges, different in some ways from the general caregiver
15 population, and should have a focused task force to specifically
16 address those concerns. The legislature further finds that a
17 comprehensive, coordinated effort is needed to identify:

- 18 (1) The services that exist to meet the identified needs;
- 19 (2) Any service deficiencies;
- 20 (3) Barriers that prevent grandparents from accessing
21 services; and

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1 (4) What can be done to facilitate the provision of
2 services to grandparents raising grandchildren.

3 (c) The purpose of this part is to establish a task force
4 to focus specifically on the needs and issues of grandparents
5 raising grandchildren.

6 SECTION 9. (a) There is established a grandparents
7 raising grandchildren task force to focus on the needs and
8 issues of grandparents raising grandchildren. The task force
9 shall consist of a representative of:

- 10 (1) The University of Hawaii's college of tropical
11 agriculture and human resources to serve as co-chair;
- 12 (2) Queen Lili'uokalani Children's Center to serve as
13 co-chair;
- 14 (3) The University of Hawaii's center on aging research
15 and education;
- 16 (4) The department of education;
- 17 (5) The department of human services;
- 18 (6) The department of health's executive office on aging;
- 19 (7) The department of public safety;
- 20 (8) The judiciary;
- 21 (9) The department of the attorney general's child support
22 enforcement agency;

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- 1 (10) Each area office on aging;
- 2 (11) The policy advisory board for elder affairs;
- 3 (12) Na Tutu Coalition;
- 4 (13) Legal Aid Society of Hawaii;
- 5 (14) Volunteer Legal Services Hawaii;
- 6 (15) Partners in Development; and
- 7 (16) An individual who is a grandparent.

8 (b) In assessing the needs and issues of grandparents
9 raising grandchildren, the task force shall, among other things:


- 10 (1) Review the 2007 *Needs Assessment of Grandparents*
11 *Raising Grandchildren in the State of Hawaii*, prepared
12 by the University of Hawaii's department of family and
13 consumer science;
- 14 (2) Review the most recent *Four Year State Plan on Aging*
15 submitted to the United States Administration on Aging
16 by the executive office on aging and the area agencies
17 on aging;
- 18 (3) Review the testimony of the various agencies submitted
19 to the joint legislative committee on family
20 caregiving at its hearing on August 16, 2007,
21 regarding issues facing grandparents raising
22 grandchildren;

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- 1 (4) Review laws relating to issues of grandparents raising
2 grandchildren, including:
- 3 (A) Section 302A-462, Hawaii Revised Statutes,
4 regarding the affidavit for caregiver consent,
5 which permits a caregiver, under certain
6 circumstances, to enroll a minor in school and
7 consent to participation in curricular and
8 co-curricular activities;
- 9 (B) Chapter 571, Hawaii Revised Statutes, regarding
10 child custody and support; and
- 11 (C) Chapter 587, Hawaii Revised Statutes, regarding
12 child protective services;
- 13 (5) Review the memorandum prepared by the department of
14 education to guide school personnel when enrolling
15 students who reside with caregivers;
- 16 (6) Review the support and services offered to caregivers
17 by the department of education through its
18 comprehensive student support system;
- 19 (7) Investigate whether a need arises when a minor
20 residing, formally or informally, with a grandparent
21 requires consent for medical service, including when a
22 student needs consent for programs and services under

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- 1 the federal Individuals with Disabilities Act or
2 Section 504 of the Rehabilitation Act of 1973;
- 3 (8) Investigate the issues that arise when a minor
4 residing formally or informally with a grandparent is
5 returned to the custody of a parent;
- 6 (9) Investigate any housing issues that may arise when a
7 grandparent is raising a grandchild, particularly when
8 the grandparent resides in senior housing, and
9 identify any state or federal laws or rules that would
10 render a grandparent cohabiting with a grandchild
11 ineligible for housing under a particular scheme;
- 12 (10) Review how each area office on aging allocates the
13 federal funds it receives under the national family
14 caregiver support program for grandparent programs;
- 15 (11) Identify the agencies that collect data relating to
16 grandparents raising grandchildren and determine
17 whether the data can be more comprehensive, uniform,
18 and readily available or exchanged; and
- 19 (12) Identify legal needs and whether these needs are being
20 adequately addressed.
- 21 (c) The task force shall submit an interim report to the
22 legislature and the joint legislative committee on aging in

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- 1 place no later than twenty days prior to the convening of the
2 2009 regular session and a final report to the legislature and
3 the joint legislative committee on aging in place no later than
4 twenty days prior to June 30, 2009. The final report shall
5 include, to the greatest extent possible:
- 6 (1) A list of the services that exist in each county to
7 meet grandparents' identified needs;
- 8 (2) A discussion of service deficiencies in each county;
- 9 (3) A discussion of identifiable barriers that prevent
10 grandparents from accessing services;
- 11 (4) A summary of the task force's work and any findings
12 regarding the task force's responsibilities as
13 detailed in subsection (b); and
- 14 (5) Recommendations, including any proposed legislation.
- 15 (d) The task force shall cease to exist on June 30, 2009.

PART V. RESPITE CARE

17 SECTION 10. The joint legislative committee on aging in
18 place has been diligent in its role to strengthen support to
19 family caregivers through respite care. The legislative
20 reference bureau conducted a study pursuant to House Concurrent
21 Resolution No. 187 (2007), regarding how other states address
22 the issue of respite care. The report indicates that respite is

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- 1 beneficial in ameliorating stress and other negative
2 consequences of caregiving. Additionally, a comprehensive
3 family caregiver needs assessment conducted pursuant to Act 204,
4 Session Laws of Hawaii 2007, indicated that respite care is one
5 of the top choices of assistance that caregivers feel would be
6 helpful.
- 7 Respite care can relieve the everyday stress of providing
8 round-the-clock care. However, there are times when emergency
9 respite care becomes critical in instances where a family
10 caregiver is unexpectedly unable to provide care because of
11 illness, an accident, or other reasons.
- 12 The legislature finds that more needs to be done to
13 determine the full inventory of respite care providers and the
14 specific types of respite care provided in the State. The types
15 of respite care can include planned respite care, short-term
16 respite, or emergency respite care. Additionally, although
17 respite services may be available, caregivers are not always
18 aware that these services are offered or may not know where to
19 go to seek assistance.
- 20 The purpose of this part is to request the executive office
21 on aging to continue its respite inventory project pursuant to

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1 House Concurrent Resolution No. 187 (2007), in collaboration
 2 with the University of Hawaii school of social work.
 3 SECTION 11. The executive office on aging, in
 4 collaboration with the University of Hawaii school of social
 5 work, shall:

6 (1) Continue to conduct an inventory of respite services
 7 in Hawaii;
 8 (2) Propose a definition of "respite care";
 9 (3) Establish more detailed descriptions of each of the
 10 various types of respite services provided in the
 11 State; and
 12 (4) Review the legislative reference bureau's 2007 report
 13 on respite policies in other states to identify the
 14 most promising approaches for Hawaii to support
 15 expanding respite services, including how much support
 16 is financed, what types of respite are provided and to
 17 whom, and who performs the respite services.

PART VI. CARE HOME PAYMENTS

19 SECTION 12. Section 346-53, Hawaii Revised Statutes, is
 20 amended by amending subsection (c) to read as follows:
 21 "(c) The director, pursuant to chapter 91, shall determine
 22 the rate of payment for domiciliary care, including care

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1 provided in licensed developmental disabilities domiciliary
 2 homes, community care foster family homes, and certified adult
 3 foster homes, to be provided to recipients who are eligible for
 4 Federal Supplementary Security Income or public assistance, or
 5 both. The director shall provide for level of care payment as
 6 follows:

- 7 (1) ~~[Fee]~~ Beginning on July 1, 2008, for adult residential
 8 care homes classified as facility type I, licensed
 9 developmental disabilities domiciliary homes as
 10 defined under section 321-15.9, community care foster
 11 family homes as defined under section 346-331, and
 12 certified adult foster homes as defined under section
 13 321-11.2, the state supplemental payment shall not
 14 exceed ~~[\$641.90]~~ \$651.90; and
 15 (2) ~~[Fee]~~ Beginning on July 1, 2008, for adult residential
 16 care homes classified as facility type II, the state
 17 supplemental payment shall not exceed ~~[\$749.90]~~
 18 \$759.90. [and
 19 ~~(3) For skilled nursing facilities and intermediate~~
 20 ~~facilities, the state supplemental payment shall not~~
 21 ~~exceed \$20.]~~

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1 If the operator does not provide the quality of care
 2 consistent with the needs of the individual to the satisfaction
 3 of the department, the department may remove the recipient to
 4 another facility.

5 The department shall handle abusive practices under this
 6 section in accordance with chapter 91.

7 Nothing in this subsection shall allow the director to
 8 remove a recipient from an adult residential care home or other
 9 similar institution if the recipient does not desire to be
 10 removed and the operator is agreeable to the recipient
 11 remaining, except where the recipient requires a higher level of
 12 care than provided or where the recipient no longer requires any
 13 domiciliary care."

14 SECTION 13. There is appropriated out of the general
 15 revenues of the State of Hawaii the sum of \$289,000 or so much
 16 thereof as may be necessary for fiscal year 2008-2009 for
 17 increases in level of care payments as provided for in this
 18 part.

19 The sum appropriated shall be expended by the department of
 20 human services for the purposes of this part.
 21

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1 SECTION 14. Statutory material to be repealed is bracketed
 2 and stricken. New statutory material is underscored.

3 SECTION 15. This Act shall take effect on July 1, 2008.

APPROVED this _____ day of _____, 2008

GOVERNOR OF THE STATE OF HAWAII

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The following messages from the Governor (Gov. Msg. Nos. 536 through 538) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 536, informing the House that on July 7, 2008, the following bill was signed into law:

H.B. No. 2438, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES." (ACT 218)

Gov. Msg. No. 537, informing the House that on July 7, 2008, the following bill was signed into law:

S.B. No. 2082, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 219)

Gov. Msg. No. 538, informing the House that on July 7, 2008, the following bill was signed into law:

S.B. No. 2830, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING." (ACT 220)

At 11:48 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:28 o'clock p.m.

LATE INTRODUCTIONS

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

Representative Cabanilla introduced Ms. Roseabella Martinez of Ewa Beach.

Representative McKelvey introduced Ms. Mayette Smith and her granddaughter, Ms. Marissa Leanio visiting from San Francisco.

Representative Rhoads introduced his neighbor and HSTA member, Ms. Arlene Williams.

SUPPLEMENTAL CALENDAR #1

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 539) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 539, transmitting her statement of objections to H.B. No. 1412, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1412

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1412, entitled "A Bill for an Act Relating to the Department of Taxation's Benefits-Funded Revenue-Generating Computer Initiatives."

The purpose of this bill is to require the Department of Taxation to enter into a "benefits-funded" contract with a vendor to increase tax collections, to further automate tax collections, and to require electronic filing of tax returns.

While the general objectives in this measure are laudable, the bill is objectionable because it would set questionable, unrealistic, and inappropriate parameters under which the department would have to implement these programs.

The bill fails to provide sufficient time for the Department of Taxation to execute performance-based contracts by artificially establishing an October 1, 2008 deadline to do so. It is not clear whether the contracts must be fully performed by this deadline or simply fully signed by the Department and the contractor, but if it is the latter, then the bill's October 1, 2008 deadline does not allow sufficient time to go through the State's legally mandated, established procurement process.

Also, it is not clear whether the other improvements and operational efficiencies to be achieved by the Department of Taxation under the bill must also be fully performed by October 1, 2008.

Section 12 of the bill appropriates \$2,900,000 out of the general revenues for fiscal year 2008-2009 to be deposited in the new Integrated Tax Services and Management Special Fund and section 13 of the bill appropriates \$2,900,000 out of that special fund to be used for the purposes of that new special fund. However, section 14 of the bill requires the Department of Taxation to repay the \$2,900,000 appropriated from the general revenues for fiscal year 2008-2009 no later than June 30, 2009. There is no appropriation of \$2,900,000 out of that special fund or from other moneys that can be used to repay the general fund for the original \$2,900,000 appropriated out of general revenues.

The Administration is pleased with the excellent work the Department of Taxation has undertaken to implement more effective tax collections and ensure aggressive collection of delinquent taxes. This bill would divert important department resources to a project that has not been realistically defined in this legislation and could adversely impact the current efforts of the State Tax Department.

For the foregoing reasons, I am returning House Bill No. 1412 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 540) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 540, transmitting her statement of objections to H.B. No. 2085, HD 1, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2085

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2085, entitled "A Bill for an Act Relating to the Agribusiness Development Corporation."

The stated purpose of this bill is to add additional requirements on who can be appointed members of the Agribusiness Development Corporation's board of directors and requires the Agribusiness Development Corporation to submit another plan to the Legislature before the 2009 regular session.

Micromanaging who can become board members of the Agribusiness Development Corporation would decrease the availability of persons able to serve, which, in turn, could jeopardize the filling of the seats on the board and the corporation's ability to

meet its quorum requirements. There has been no evidence that current board members have not adequately represented agricultural interests in the community. Further, adding members with a distribution or transportation focus could divert the Agribusiness Development Corporation from its primary role of maintaining water and land resources for agriculture.

The requirement of the additional legislative report is not necessary. The 2007 Legislative Reference Bureau report entitled, "Agribusiness Development Corporation: Revisited," stated that there have been numerous studies and plans regarding agribusiness over the years. The report found that the focus of the Agribusiness Development Corporation should be the implementation of existing plans rather than the formulation of yet another plan. The Agribusiness Development Corporation's latest plan focuses on the transition of former plantation lands and water systems to those that will better support diversified agriculture and the development of facilities for diversified agriculture. The latest plan is consistent with the corporation's mission. The development of yet another plan will not further achieve the corporation's mission and will divert the time and talents of its small staff.

Finally, I would note the unanimous objections of the agricultural community to the content of this bill. Out of respect for and appreciation of their understanding of the real needs of the agricultural sector, this bill should not become law.

For the foregoing reasons, I am returning House Bill No. 2085 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 541) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 541, transmitting her statement of objections to H.B. No. 2238, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2238

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2238, entitled "A Bill for an Act Relating to Public Housing."

The purported purpose of this bill is to require public housing projects to remain affordable in perpetuity. This bill is objectionable for two reasons.

First, this bill restricts the flexibility of the State and counties to pursue new or unique methods for the construction and management of public and affordable housing. This bill would prevent the development or redevelopment of public housing projects that preserve the existing number of public housing units while providing additional units and uses for the project. Imposing such a strict requirement and mandating that public housing projects remain affordable is detrimental to the goal because it precludes using mixed-up or commercial space to help subsidize, renovate, and repair these units.

Other states and cities have found that allowing for mixed use development is an attractive incentive for developers and an

important tool for preserving and increasing the inventory of affordable and public housing. Preserving existing inventory can be accomplished via individual contract terms, covenants, and restrictions placed on these projects by the Hawaii Public Housing Authority Board of Directors.

Second, this bill will allow households earning at or below one hundred forty percent of the area median income to qualify for public housing. The current income limit to qualify for State and federal public housing units is eighty percent of the area median income, and there is a significant waiting list for households at this level. This significant change in the target group for public housing will adversely affect those who are most vulnerable to homelessness and in the most need for public housing assistance.

For the foregoing reasons, I am returning House Bill No. 2238 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 542) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 542, transmitting her statement of objections to H.B. No. 2250, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2250

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2250, entitled "A Bill for an Act Relating to Transportation."

The purpose of this bill is to establish a statutory scheme for the regulation of persons who provide air transportation service between any pair of points within the State of Hawaii, to the extent permissible under the Constitution and laws of the United States.

This bill is objectionable because there is a serious potential that the bill, if it becomes effective, will harm consumers and the market.

The bill will substitute regulation for competition, shield air carriers from competitive forces, and thereby likely lead to higher costs, higher prices, and reduced quality of service. The bill will make it more difficult for carriers to enter, serve new routes, alter their fares, or introduce new services or pricing models, and will thereby reduce the carriers' incentives to operate efficiently and compete. The underlying premise for the bill that regulation is necessary to ensure the maintenance of inter-island air transportation services is not substantiated by the fact that the four largest interisland routes are among the top domestic city pairs, based on passenger traffic within the United States.

I am fully cognizant of the need for reliable inter-island air service in the State of Hawaii. I am, however, not convinced that a government-mandated regulatory scheme is warranted in light of the potential harm that the scheme could cause on consumers and the market.

For the foregoing reasons, I am returning House Bill No. 2250 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of H.B. No. 2250, HD 1, seconded by Representative B. Oshiro.

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

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

Representative Souki rose to speak in support of the motion to override, stating:

"Yes, Mr. Speaker. Thank you, very much. I wish to say that I am strongly in favor of the override."

Representative Meyer rose to speak in opposition to the motion to override, stating:

"Thank you Mr. Speaker, I'm rising in opposition to the override. The testimony that we have from the Department of Transportation and the testimony by Keoni Wagner of Hawaiian Airlines, both of them were very much against this regulation scheme.

"I wanted to read something from Keoni Wagner's testimony. He says, 'We understand the desire of the Legislature to set forth legislation intended to support Hawaii's vital airline service. However, we are concerned that House Bill 2250 in its attempt to regulate nearly every aspect of the inter-island airline industry through the establishment of an Air Carrier Commission will likely result in many unintended consequences. Regulating routes, services and fares, etc. would eliminate free market conditions that foster competition and the benefits that flow from it, such as cost efficiency, innovation and customer service.'

"I could say a lot more, but I think that pretty much says it. You would think that this regulation scheme was going to help the airlines, and when our largest carrier is not for this, I think it's a very good reason not to support it. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the motion to override, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise today in opposition to House Bill 2250, Relating to Transportation, which would establish a statutory scheme for State regulation of inter-island air carriers. While I support the intent of this measure to address rising air fare costs, I believe that regulating carriers is not in the best interest of the State, the airlines industry or the traveling public.

"As noted in testimony provided by DOT in opposition of this bill, the federal Airline Deregulation Act of 1978 prohibits states from regulating the routes, rates or services of airlines operating interstate commerce. Under this Act, Hawaii is prohibited from regulating inter-island carriers. This bill would create a new State bureaucracy whose sole purpose would be to monitor and examine the business and financial affairs of the airlines to see if the fares charged are reasonable to support their activities.

"Regulating routes, services, fares and any aspects of the airline industry would eliminate free market conditions that foster competition and its fruits. For these reasons, Mr. Speaker, I will be opposing a veto override of House Bill 2250. Thank you, Mr. Speaker."

Representative Herkes rose to speak in support of the motion to override, stating:

"Mr. Speaker, in strong support. We're not looking to help the airline. We're looking to help the consumers of this State. And I notice that nobody on the other side of the aisle has to fly to a Neighbor Island every week like many of us do.

"I'll give you an example of a couple in Kona, frequent flyers, two of them. They wanted to go from Kona to Molokai for the weekend. The fare was \$1,023. We have to bring some sense back into the airline business in the State of Hawaii. By regulating we guarantee a return for those airlines, and we also guarantee that the public's going to be served. Thank you."

Representative McKelvey rose to speak in support of the motion to override, stating:

"Mr. Speaker, I wish to rise in support. It's with a heavy heart that I rise in support, but I feel I have to, because as many Members know, I've been opposed to this bill. I voted against it last year, and as the Vice Chair of your Committee on Consumer Protection and Commerce, I went ahead and refused to hear a Resolution of the same type.

"So why am I now speaking in favor? And that's because, I believe in the free market, and I believe the free market is supposed to provide lower fares, but that isn't going to happen. It won't happen. United Airlines, airlines all across the United States are consolidating or cutting out routes, and reducing capacity. The fact is that the free market isn't going to come into Hawaii and offer any alternatives. And the fact is that we're only talking about one airline, one airline that right now can set the rules any way they want. We need to look at all consumers and visitors if we're really serious about competition, and not look at what will best serve the interests of one airline that is now calling all the shots. Thank you, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. This bill will substitute regulation for competition, shield air carriers from competitive forces, and thereby likely lead to higher costs, higher prices, and reduced quality of service. There's no reason to believe that the consumers will be the beneficiaries of this. When you talk about airlines on the mainland that are consolidating and going broke, their problems are with high wages that the unions have been very successful in getting, and the record high cost of fuel, and that's what's really creating the problem.

"When the bill, in 1978 was passed, to deregulate, almost everybody in America benefitted, and I think we've got a blip going on right here, and this is something that we shouldn't be doing. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," as contained in Gov. Msg. No. 542 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 38: Awana, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoy, Manahan, McKelvey, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Marumoto, Meyer, Pine and Ward.

Excused, 7: Belatti, Berg, Bertram, Saiki, Shimabukuro, Thielen and Tokioka.

At 3:39 o'clock p.m., the Chair noted that the motion to override the veto of H.B. No. 2250, HD1, as contained in Gov. Msg. No. 542, had carried.

The following message from the Governor (Gov. Msg. No. 543) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 543, transmitting her statement of objections to H.B. No. 2386, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2386

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2386, entitled "A Bill for an Act Relating to Workers' Compensation."

The purposes of this bill are to provide for the payment of temporary disability benefits regardless of whether the employer disputes whether the injury was work-related, to change procedures by which an employer may terminate temporary total disability benefits and by which an employer may seek a credit for overpayment of temporary total disability benefits, to require the employer to pay for attorney's fees and costs to the employee for enforcement of temporary total disability payment, and to provide for increased weekly benefit rates if temporary total disability benefits are not begun within thirty days of the date of injury.

While I support the intent to ensure injured workers receive timely benefits or benefits that are justly due, this bill is objectionable because it requires an employer or employer's insurer to pay temporary total disability benefits regardless of whether the employer or employer's insurer challenges the workers' compensation claim. Requiring an employer or employer's insurer to pay for temporary total disability benefits on disputed claims until a determination is made that such benefits are not due, will likely result in higher workers' compensation premiums because this adds to the workers' compensation risk exposure of all businesses in Hawaii.

While the bill provides that the employer may request a credit for temporary total disability benefits paid but not due, if the claim is deemed not compensable, there is nothing against which to apply a credit and the employer or employer's insurer will probably not be able to recoup such payments. De facto, the employee is allowed to retain benefits to which he or she was not entitled.

The bill would also create a disincentive to return to work. More specifically, it may encourage certain employees to continue to contest returning to work because even if the Director determines the employee should and could have returned to work, the employee bears no risk for failing to do so, as the benefits the employee was paid are non-recoverable by the employer.

Further, the measure provides a process for an employee, but not an employer, to request a review. Pursuant to this bill, an employer cannot terminate TTD benefits unless the Director orders the termination of benefits or the employee's treating physician determines that the employee is able to resume work and the employer has made a bona fide offer of work within the employee's medical restrictions. The bill, however, does not provide a specific process for the employer to request a review, establishing inequitable

treatment of the employer versus the employee through this provision.

This bill establishes disincentives for employees to return to work within a reasonable time since their wage benefits continue as long as they stay away from their job and their treating medical provider allows them to do so. Since the employee must initiate the request for a Department of Labor and Industrial Relations review, the bill is silent as to what happens if the employee fails to request a review.

The bill itself recognizes it cannot be effectively implemented as written and calls for the convening of a working group to address and make recommendations to resolve concerns raised by the legislation. If no consensus is reached on resolving such concerns, then the substantive provisions of the bill will become effective on July 1, 2009. As written, the bill provides no incentive for proponents of the bill to reach a consensus, but mandates that the legislation take effect even if the problems cannot be resolved.

For the foregoing reasons, I am returning House Bill No. 2386 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 544) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 544, transmitting her statement of objections to H.B. No. 2387, HD 1, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2387

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2387, entitled "A Bill for an Act Relating to Workers' Compensation."

The purpose of this bill is to create a working group within the Department of Labor and Industrial Relations to study and determine alternate methods of paying physicians to conduct medical examinations pursuant to section 386-80.

The independent medical evaluation process under the current law is an important means by which workers' compensation claimants, employers, and the Department are able to determine the medical progress of a case. This bill is objectionable because current law is working as intended and there is no need to establish a working group to study and determine an alternate framework for the payment of independent medical examinations.

This bill is also objectionable because no resources are provided to the Department of Labor and Industrial Relations to carryout the tasks involved with convening the working group.

For the foregoing reasons, I am returning House Bill No. 2387 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 545) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 545, transmitting her statement of objections to H.B. No. 2388, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2388

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2388, entitled "A Bill for an Act Relating to Workers' Compensation."

The purpose of this bill is to allow a continuation of medical services for injured employees when a dispute exists between the employee and the employer or employer's insurer regarding a proposed treatment plan or whether medical treatments should be continued. The medical services shall continue until the Director of Labor and Industrial Relations issues a decision on the matter.

This bill is objectionable because it requires an employer or employer's insurer to continue to pay for medical treatments after the employer or employer's insurer determines the continued treatments to be inappropriate, excessive, for a non-compensable condition, or when the employee has been determined by an independent physician to be ready to return to work. Requiring an insurer to pay for medical services that the employer or employer's insurer believes are unwarranted or unnecessary with no substantive right to recovery until the Director decides to deny such benefits will likely result in higher workers' compensation premiums for all businesses in Hawaii.

This bill fundamentally changes the balance between employer and employee regarding the method by which medical care can be terminated. Additionally, the bill places the burden on the employer or the employer's insurer to recover inappropriate and unwarranted medical payments.

Finally, this bill tolerates and encourages abuse of the workers' compensation system by allowing healthy employees, who are fit to return to work, to continue drawing down on benefits. This abuse has a negative impact on the cost of the workers' compensation system and hurts all of Hawaii's workers.

For the foregoing reasons, I am returning House Bill No. 2388 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 546) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 546, transmitting her statement of objections to H.B. No. 2675, HD 2, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2675

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2675, entitled "A Bill for an Act Relating to Medical Marijuana."

The purpose of this bill is to create a "medical marijuana task force" within the University of Hawaii for administrative purposes. This task force is required to study whether current law affords an adequate supply of medical marijuana, whether it is feasible to establish marijuana growing facilities on each island, and whether inter-island marijuana transport can be made possible for traveling patients. The task force is also required to examine other issues and obstacles that patients encounter as well as research other states' medical marijuana programs and laws.

This bill is objectionable because it is an exercise aimed at finding ways to circumvent federal law. The use of marijuana, even medical marijuana, is illegal under federal law. It is, therefore, inappropriate for the State to recommend ways to maintain or increase the supply of marijuana, to make recommendations regarding the development of marijuana growing facilities, or to seek ways to circumvent federal prohibitions regarding the transport of marijuana.

Moreover, requiring the task force to be administratively attached to the University of Hawaii is inappropriate. Mandating the University's involvement when there is a clear conflict between State and federal law has the potential to adversely affect funding for a number of programs and research projects that rely on federal grants. Requiring the College of Tropical Agriculture and Human Resources to administer the work of the task force is also inappropriate as the legal, medical, public health, public safety, and transportation issues surrounding medical marijuana are far outside the college's purview.

Additionally, the composition of the task force itself is questionable because three of the eleven task force members are from a single private organization, the Drug Policy Forum of Hawaii. Seven of the eleven members are prescribers, patients, or members of the Drug Policy Forum, and are all likely to favor the expansion of medical marijuana access and programming.

While I am sympathetic towards those who suffer debilitating illnesses and appreciate organizations and advocates who are representing their interests, the task force should also have at heart the interests of the community at large. There are a host of unintended consequences related to the proliferation of medical marijuana that this task force is not required to address. Since I firmly believe that considerations must be made to ensure that Hawaii's communities remain safe and drug free, I must question whether this task force is capable of balancing the interests of both the community and medical marijuana patients.

Additionally, the federal Office of National Drug Policy notes that there are other prescription drugs approved by the Federal Drug Administration that are safe and medically deemed effective in helping those with AIDS, glaucoma, cancer, and other painful illnesses.

For the foregoing reasons, I am returning House Bill No. 2675 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 547) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 547, transmitting her statement of objections to H.B. No. 2704, HD 2, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2704

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2704, entitled "A Bill for an Act Relating to Ha'iku Valley."

The purpose of this bill is to establish a 9-member Ha'iku Valley Commission to establish policy and management oversight of an area referred to as the Ha'iku Valley Preserve.

This Administration supports cultural preservation of the valley and the many unique sites and artifacts that currently are located in this area. We understand and appreciate the concerns of the community in ensuring these sites are properly protected.

However, this bill is objectionable for several reasons. First, the measure fails to define the boundaries of the preserve. The bill proposes to purchase lands in the preserve area in fee simple, but fails to provide appropriations or other funding mechanisms to make purchases. It should be noted that most of the lands are privately held. The balance of the lands are held by the Department of Hawaiian Home Lands on behalf of their beneficiaries.

Further, it is unclear what would be gained from the fee simple purchase by the State of said lands. It should be noted that much of the mauka portion of the valley is already classified as conservation land. There are a number of laws already in place that control what can be done on conservation land, including fines and penalties against those who improperly use or trespass on these lands. The fines proposed in this bill appear to be unduly punitive.

This Administration believes that it is possible to address many of the issues raised by persons within the Hawaiian community and others who want to ensure that this unique area is properly maintained. I have already asked my Departments of Hawaiian Home Lands and Land and Natural Resources and Transportation to work with community members and federal officials to develop a long term approach that avoids the need for legislation and ensures access for all, while preserving the beauty and cultural significance of the valley.

For the foregoing reasons, I am returning House Bill No. 2704 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 548) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 548, transmitting her statement of objections to H.B. No. 2761, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2761

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2761, entitled "A Bill for an Act Relating to Women's Health."

The purposes of this bill are to require the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services to amend the State's Medicaid plan to extend post-partum and interconception care from eight weeks to a minimum of six months and to require the Department to report to the Legislature when it receives a response.

This bill is objectionable due to its potential adverse fiscal impacts. Women enrolled in the State's QUEST program already receive approximately two months of post-partum and interconception care after pregnancy ends. Any expansion of these benefits will require prior approval from the federal Centers for Medicare and Medicaid Services and, if approved, the appropriation of State funds. Adding expanded services to the QUEST program will increase overall costs. It would not be prudent to seek an expansion of this program given recent Council on Revenues' economic projections and existing budget restrictions.

For the foregoing reasons, I am returning House Bill 2761 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of H.B. No. 2761, HD 1, SD 1, CD 1, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the motion to override, stating:

"Mr. Speaker, in opposition. And I would like to give just a few comments. Mr Speaker, we talk about medical insurance reimbursements. What we're doing here, if you look at the Governor's veto message, and I won't read any of it, is that we're trying to expand services. These are the kinds of things, and there are services that are being provided right now.

"I don't like the fact that we can't expand services right now. We are in a medical crisis in regards to some of our healthcare costs, and increasing services, I think at this time, it is not a good idea."

Representative Green rose to speak in support of the motion to override, stating:

"Thank you Mr. Speaker, in support of the veto override. Mr. Speaker, we continue to have healthcare needs in our State. Women continue to give birth. There are so many things we'd like to do for our people, but this is a terrific priority, and so I support the veto override."

Representative Lee rose in support of the motion to override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of the veto override.

"This bill as written will incur no extra cost to the State – it is simply a request to the federal government to evaluate whether or not extending QUEST interconception care to 6 months or longer would

incur a penalty. There are many reasons why we should extend such care.

"This bill is about access to contraception; good nutrition; prevention of disease; good parenting, and prevention of substance use and abuse. What could be more important than giving mothers and babies a good start. In the long run much money will be saved and much damage prevented. I urge the members support."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2761, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WOMEN'S HEALTH," as contained in Gov. Msg. No. 548 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Say, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 2: Finnegan and Meyer.

Excused, 6: Belatti, Bertram, Saiki, Shimabukuro, Thielen and Tokioka.

At 3:43 o'clock p.m., the Chair noted that the motion to override the veto of H.B. No. 2761, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 548, had carried.

The following message from the Governor (Gov. Msg. No. 549) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 549, transmitting her statement of objections to H.B. No. 2843, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2843

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2843, entitled "A Bill for an Act Relating to Invasive Species."

The purposes of this bill are to: 1) expand the existing invasive species inspection, quarantine, and eradication fee to all imported freight, 2) change the basis for the fee computation from \$1 for each twenty-foot equivalent unit per container to 50 cents for every one thousand pounds of freight imported, and 3) clarify that the fee shall be paid by the person paying the freight charges to the transportation company.

The goal to enhance inspections for invasive species is laudable. However, this bill is objectionable because of its significant impact on the cost of living in Hawaii. The reconfiguration of this fee's computation from a calculation of twenty-foot equivalent unit per container to one based on weight will exponentially increase the fees for cargo coming into the State. These charges will indirectly be passed on to the consumer, who must pay more for goods in Hawaii

each time a new tax, tariff, or charge is levied on products entering the State. In conjunction with the recent rise in transportation costs directly linked to the rise in fuel costs, this fee will have a serious impact on families and individuals already stretched with the burdens of rising prices for food, fuel, rent, and other necessities.

Second, changing the method by which this fee is calculated will impact industries disproportionately. Carriers shipping food or other heavier goods will be subject to pay a much higher inspection fee, not necessarily because the cargo is a higher-risk commodity, but because it happens to weigh more than other freight packaged in the same sized container.

Third, last year my Administration vetoed the law that implemented the \$1 inspection fee that this bill now seeks to change; House Bill No. 1066 became Act 009 (Special Session, 2007). I vetoed this measure recognizing that the State of California was, and still is, considering placing a surcharge fee on all containers leaving its ports. The proposed fee would be substantial--\$30 per container, per movement into and out of Oakland, Los Angeles, and Long Beach. The majority of Hawaii's goods is shipped out of these ports and return to California. With this in mind, the increase in fees that would be set in motion by the enactment of House Bill No. 2843 not only undermines our message to persuade the California State Assembly not to impose its container tax, but would further discourage the necessary flow of goods into our state and financially impact the residents of our state who depend upon these goods.

For the foregoing reasons, I am returning House Bill No. 2843 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of H.B. No. 2843, HD 2, SD 2, CD 1, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the motion to override, stating:

"Thank you, Mr. Speaker. I will be voting no on this, with a heavy heart. As this bill passed through the Legislature I do believe I voted 'aye' on the measure because I am very concerned about the problem that we might have with invasive species. I introduced the first bill that passed, which provided an appropriation to try and prevent the introduction of the brown tree snake here in Hawaii. I am very concerned about invasive species coming to Hawaii. Yet, on the other hand, I do know that we do have funds already available for this program.

"I will be voting no, mainly because I feel that this increase in fees comes at a wrong time for Hawaii's families. We are seeing our gas prices increase, and our food prices increase. Water, electricity, it's almost intolerable. So an increase to 50 cents per thousand pounds for all the freight, shipping and airlines that comes into Hawaii will really increase the cost of almost everything that we pay for. The consumer is going to pay for it at the bottom of the food chain.

"The Governor points this out also, that the increase in the cost of living will be quite severe. Also heavier goods will be subject to a higher fee, so weight becomes a real factor in this. Most importantly, California's Assembly is considering a fee of \$30 per container, which is on the verge of passage, and that would mean all the shipments that we received out of the California ports will undoubtedly increase our cost of living.

"So I think this is just the wrong, wrong time for us to pay more. It's a bad thing to override this bill, so I would hope that some of you would consider voting no. Thank you."

Representative Ward rose to speak in support of the motion to override with reservations, stating:

"Mr. Speaker, I rise in support with reservations. I want to underscore what the previous Representative said about the shot across the bow of California. This is going to stir the Terminator. It's going to possibly cause a retribution as sometimes wars are started by these kinds of tariff increases and reciprocal kind of actions. My fear is, we are telling California, we're ready to fight with them, by putting our rates up. And what now is near the desk of the Governor for the \$30, we're going to be outmatched. We're going to hurt badly. And this goes on to the cost of living in the State of Hawaii, which is really already out of hand, Mr. Speaker.

"So I don't think this is the wise time to do it. We've got to protect ourselves from the invasive species, but we also have to protect our people from the cost of living that is threatening them. Thank you."

Representative Meyer rose to speak in opposition to the motion to override, stating:

"Thank you Mr. Speaker, I'm rising in opposition to this measure, and I'm reminded of the prayer we had this morning from the Representative from Waimanalo. That the people of Hawaii are hurting, and what are we doing to help them? And I don't feel that passing, or overriding this bill, is going to help them at all.

"Last year we passed a bill that put a \$1 charge on every 20 foot container, and now this bill is going to change that to 50 cents per 1000 pounds. Changing the method by which this fee is calculated will impact industries disproportionately. These are words from the Governor's message. Carriers shipping foods or other heavier goods will be subject to pay a much higher inspection fee, not necessarily because the cargo is a higher risk commodity, but because it happens to weigh more than other freight packaged in the same size container. This should have been thought out more carefully.

"The other thing is that \$1 for a 20 foot container that we passed by overriding the Governor's veto, the Department of Agriculture, I understand, has not received one dollar over that year period. Their real problem is that they don't have enough inspectors. You've got 40 vacancies. It's difficult to get people that are qualified to do this important work. Passing this bill might feel good and make you think you're really making a difference, but you're really just piling on the hard working people of this State. And if you add the \$30 that California is poised to do, and at a \$20 average per container, that's \$50. It's just crazy not to think that's going to increase the cost of living dramatically. Thank you, Mr. Speaker."

Representative Rhoads rose to speak in support of the motion to override, stating:

"Mr. Speaker, in support of the override. And just in terms of dollars and cents, I don't know how many million dollars we've already spent in this State trying to keep the brown tree snake out; trying to keep out and eradicate the coqui frog. I think if you just look at it in purely economic terms, it's very likely that this will save consumers in Hawaii money because they won't have to fund these efforts to try to get rid of or try to stop things that have already made it to our shores. So I think just if you look at it straight dollars and cents, it's a winner. Thank you."

Representative Finnegan rose to speak in opposition to the motion to override, stating:

"Thank you Mr. Speaker, in opposition to this. Thank you, Mr. Speaker. A couple of my colleagues have already mentioned that it's about timing. It's about timing because what we're facing right now is increased costs from every direction. Fuel costs and all the other things that we've mentioned. And it is mentioned also in the veto message.

"The issue here is, yes, we do want to protect us from these invasive species, but it is in the timing. If we don't have these inspectors to do them, then why are we going to prematurely raise these costs for our consumers? They're already experiencing these increases in costs. As much as we can, let's look at that timing, and not look to rush to increase these costs when we can't do anything; and we're trying very hard to fill these inspector positions.

"We could have waited till next year to be able to say, 'Okay, now that we've taken care of the inspector positions and some of these other issues, then maybe, if this is that important and that can save us money in the long run, then we should use money in that direction and maybe increase the fee.'

"But right now is not the time. These are kinks in the process. Why are you going to tax, or shall I say, 'increase fees' when you have some legitimate problems in the process. Businesses have been telling me about delivery costs, fuel costs. One business in and of itself, you would still call them a small business, increase in fuel costs \$300,000 more for this year in added business costs that they're going to pass on to the consumers.

"You're talking about consumer protection? Our consumers are having a very difficult time right now. And yes, let's go back to the invocation this morning. So just remember that just because you want something to take place, that doesn't necessarily mean that it's going to take place. We need to do the smart thing and wait, look at the timing, and try not to increase costs for our consumers. Thank you, Mr. Speaker."

Representative Ching rose in support of the motion to override with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the override.

"I support House Bill 2843 and believe it is an important preliminary action in maintaining our bio-security and in controlling invasive species. Preventing new invasive species from establishing in Hawaii provides the greatest long-term protection and preservation of what makes Hawaii special and unique to residents and tourists alike.

"In recent years, Hawaii has been subjected to invasion by coqui frogs, fire ants and apple snails, among other species – each creating a significant impact financially, emotionally and culturally. Additionally, the Big Island has seen numerous invasive plant species that have taken over large areas of land, adversely affecting local crops.

"I strongly support legislation that will support agriculture inspections to control or prevent invasive species from devastating Hawaii's environment or agriculture. Placing a fifty cent per one thousand pound schedule to importers is a minor yet much needed investment to safeguard our islands, our agricultural industry and our economy. Thank you, Mr. Speaker."

Representative Tsuji rose to speak in support of the motion to override, stating:

"Mr. Speaker, I rise in support to override the Governor's veto."

The Chair addressed Representative Tsuji stating:

"Please summarize your written comments since we have a deadline to meet?"

Representative Tsuji continued, stating:

"Thank you, very much. The Governor states that she vetoed this measure because this measure in particular creates cost increase

implications for all consumers. In her message of veto, she sets forth three arguments, and I'd like to respond to those.

"Number one, she says that this bill, Mr. Speaker, is objectionable because of its significant impact on the cost of living in Hawaii. My response to this is, invasive species, yes, have a great impact on the cost of living in Hawaii. Invasive species can cause millions of dollars in crop losses, extinction of native species, destruction of native forests and spread of disease. The cost impact is significant only because of the destruction of the invasive species, not because of the cargo fee that is intended to be levied. The purpose of this bill is to protect, and not to destroy.

"Number two, our Governor claims that changing the method by which this fee is calculated will impact the industry disproportionately. My response is this measure repeals the cargo fee bill assessing a \$1 per 20 foot equivalent unit container, maritime container. This bill does exactly the opposite of that argument. The fee imposed will not only be levied on maritime container cargo, but also on air cargo. The proposed 50 cents per 1000 levels the playing field for all of us.

"Thirdly and finally, the Governor argues that last year, she claims she vetoed the \$1 inspection fee bill because she feared California might impose a surcharge on all containers leaving it's port, implying that if our cargo fee bill passed, California would do likewise. Let me say this, its been a year or so that this \$1 cargo fee bill has been in effect. If and when the time occurs that California does impose its surcharge, let me tell you, it will not be based solely because of Hawaii's legislation.

"The time is now. We should not say, 'we should have,' or 'we could have.' Mr. Speaker, thank you very much."

Representative Morita rose in support of the motion to override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker:

"I rise in support of this veto override and commend the Chair of the Agriculture Committee for his hard work in addressing the dilemma of funding invasive species programs. It has been recognized for almost a decade now that the estimated cost of financing invasive species programs is approximately \$50 million annually. It has also been recognized that given the on-going nature of invasive species dedicated sources of funding for fighting invasive species is necessary with concentrated funding on prevention and inspection activities to achieve the greatest return on funds expended. We simply cannot carryout effective prevention and inspection activities by relying solely on general fund sources.

"Inspection fees allow for an ounce of prevention, which in the long term, will be a far more cost effective way of dealing with the problem and in the end save Hawaii consumers and taxpayers far more money than reacting and trying to eradicate an invasive specie after it becomes established. I urge my colleagues to help override this measure."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2843, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," as contained in Gov. Msg. No. 549 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 40: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say,

Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Noes, 5: Finnegan, Marumoto, Meyer, Pine and Ward.

Excused, 6: Belatti, Bertram, McKelvey, Saiki, Thielen and Tokioka.

At 3:58 o'clock p.m., the Chair noted that the motion to override the veto of H.B. No. 2843, HD 2, SD 2, CD 1, as contained in Gov. Msg. No. 549, had carried.

The following message from the Governor (Gov. Msg. No. 550) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 550, transmitting her statement of objections to H.B. No. 2847, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2847

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2847, entitled "A Bill for an Act Relating to Conditional License Permits."

This bill would allow a person to continue to drive a vehicle even after convicted of driving under the influence (DUI), by adding the following:

- (1) The person has no access to alternative transportation and must drive to school or vocational training;
- (2) The person must drive for personal medical or dental care or treatment; or
- (3) The person must drive to assist in the care of another person who is unable to drive due to the other person's age, disability, or medical condition.

This bill would also allow those with commercial driver's licenses who are convicted of a DUI to still drive a car if they met the above conditions.

This bill is objectionable because it significantly weakens the administrative license revocation provisions and their deterrent impact on individuals who operate vehicles while under the influence of an intoxicant, thereby potentially compromising public safety. The bill creates more situations under which a person can obtain a conditional license permit to drive while that person's driver's license has been administratively revoked. More impaired drivers, who have had their licenses administratively revoked, will still be on the road.

This bill is also objectionable because it is premature and possibly inconsistent with Act 170 of 2008, which involves the development and implementation of the ignition interlock program. This bill makes revisions to the conditional license permit process that will require the Administrative Driver's License Revocation Office (ADLRO) to use time and resources responding to those revisions, when in one year, the ADLRO program will have to be revised again as a result of the development and implementation of the ignition interlock program.

For example, the ADLRO will need to amend its forms used by law enforcement and the judiciary. It will also have to establish new

guidelines for the review of requests based on the new exceptions. The ADLRO will have to revise the administrative hearing process to accommodate and address the requests anticipated under the new exceptions. All of these efforts may be for nothing when the administrative license revocation process is changed as a result of the ignition interlock statute.

The ignition interlock program authorized under Act 170, which I signed on June 13th, is intended to be an important component of the administrative license revocation process and promotes a system to safely allow certain drivers convicted of driving under the influence to operate a motor vehicle without endangering the safety of others.

Because this bill is not consistent with the ignition interlock project, it is detrimental to our goal of improving highway safety.

For the foregoing reasons, I am returning House Bill No. 2847 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 551) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 551, transmitting her statement of objections to H.B. No. 2929, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2929

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2929, entitled "A Bill for an Act Relating to Workers' Compensation."

The purpose of this bill is to revise the conduct of independent medical examinations and permanent impairment ratings by requiring the use of physicians who are mutually agreed upon by the employer and the employee, and if no agreement can be reached between them, then establishing a process for the appointment of a physician by the Director of Labor and Industrial Relations ("Director"). The bill also requires that the Director order no more than one independent medical examination or impairment rating unless valid reasons exist regarding the employee's medical treatment.

This bill is objectionable because the independent medical evaluation process under the current law is an important means by which the employer is able to determine the medical progress of a case. Current law requires full disclosure of the independent medical evaluation report so the injured worker is afforded the opportunity to challenge the report.

This bill eliminates the right of the worker to have a physician present during the examination. Further, the seven-day period in the bill is ambiguous as to whether it applies to the time period within which a physician must accept an appointment or the time period for the Director to appoint a physician. The five-year requirement in subsection (b) of the bill is ambiguous as to whether it applies to the claimant or the physician. The bill also redefines certain terms in a manner that conflicts with Hawaii Administrative Rules, thus opening the potential for litigation.

I am concerned that this measure would be a detriment to the employee receiving good medical advice. There may not be an adequate number of physicians willing to have their names placed on the list due to the time constraints imposed on the doctors to respond and perform the examinations. Further, the requirement that only the attending physician determine medical stability may limit the opportunity to have a permanent impairment rating performed by a knowledgeable expert to resolve the case and advise the employee what work he or she can perform for the remainder of his or her employable lifetime.

It should be noted that the current process for the selection and payment of an independent medical examiner has worked well for many years and correctly recognizes that employers, who bear the burden of paying workers' compensation benefits, should be responsible for the medical examination that assesses the employee's recovery progress.

For the foregoing reasons, I am returning House Bill No. 2929 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 552) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 552, transmitting her statement of objections to H.B. No. 2972, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2972

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2972, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to create a school Facilities Alignment Commission within the Department of Education, require the Department of Education to develop and provide a school facilities plan to the Commission, and require the Board of Education to implement the recommendations of the Commission unless they are disapproved in their entirety by the Legislature.

This bill is objectionable because it unfairly targets a selection of schools in specific geographic areas of the State. No rationale was provided as to why these school complexes were singled out while others were not targeted for possible closure or consolidation. Further, this was done without the public being given an opportunity to comment on this amendment prior to final passage of this bill.

This bill is also objectionable because the Facilities Alignment Commission it creates would be exempt from chapter 91, Hawaii Revised Statutes, covering public access and disclosure of information.

For the foregoing reasons, I am returning House Bill No. 2972 without my approval.

Respectfully,
/s/
LINDA LINGLE

Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 553) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 553, transmitting her statement of objections to H.B. No. 3386, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3386

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3386, entitled "A Bill or [sic] an Act Relating to Attorneys."

The purpose of this bill is to expressly authorize administrative rules officers and specialists who are employed by the Department of Taxation and licensed to practice law to be designated "special tax counsel" to provide legal advice to the department concerning matters relating to title 14, "Taxation," of the Hawaii Revised Statutes.

I am returning this bill with objections because the amendments made to section 231-4.5, Hawaii Revised Statutes, to effectuate the bill's purposes, repeal the provisions creating the administrative rules officer and specialist positions, describing the qualifications and duties for the positions, and authorizing the Director of Taxation to appoint persons to fill the positions. I am particularly concerned because the amendments eliminate section 231-4.5's civil service exemptions for administrative rules officer and specialist positions. This could compromise the incumbents' current level of compensation and adversely affect the Department of Taxation's flexibility in recruiting and hiring attorneys.

I would have no objection to approving this bill if the section's current title was retained, the existing provisions of section 231-4.5 were retained and designated subsection (a), and the new provisions of the section were re-designated subsections (b), (c) and (d).

For the foregoing reasons, I am returning House Bill No. 3386 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 554) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 554, transmitting her statement of objections to S.B. No. 156, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 156

Honorable Members
Twenty-Fourth 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. 156 entitled "A Bill for an Act Relating to Voting."

The purpose of this bill is to authorize permanent absentee voting for registered voters who request an absentee ballot for the current election. The voter will be a permanent absentee voter unless he or she requests termination in writing, dies, registers in another jurisdiction, fails to vote, or the ballot comes back as undeliverable.

This bill is objectionable because it opens the voting process to potential abuses without demonstrating that the current absentee voting system is not working.

First, as noted by the clerks of the respective counties and the Office of Elections, this bill places additional burdens and duties on them without adequate time to change the voting registration regulations and without appropriate resources to do so. While the bill appropriates federal funds from the Help America Vote Act (HAVA), insofar as a permanent absentee voter program is not part of the State's approved election plan, under 42 U.S.C. section 15404(b)(2), HAVA funds cannot be used for this purpose.

Second, while this bill provides that the voter shall be responsible for informing the county clerks of changes in the voter's personal information, it does not establish a means for verifying or confirming the information. Given Hawaii's mobile population, relying solely on voters to assume this responsibility is unrealistic. Nor is it clear how the county clerk is notified if the voter moves, particularly if the individual does not register to vote in another jurisdiction and does not notify the county clerk of his or her new address. Additionally, there are no penalties provided in this bill for those who fraudulently use the permanent absentee ballot of another individual.

Absentee voting has increased significantly during the last three election cycles. There is no evidence to indicate that the current requirement to request an absentee ballot prior to each election has unduly hindered any population subgroup from participating and casting its ballot. I commend the work of the Office of Elections in providing technologies that allow those who are handicapped or aged to cast their ballots when they choose to come to the polling place on election day. I also believe they are fairly and appropriately administering current laws which allow for absentee ballots, while providing important safeguards to ensure that the voter still resides within his or her voting district and is eligible to cast a vote in the coming election.

For the foregoing reasons, I am returning Senate Bill No. 156 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 156, SD 2, HD 2, CD 1, seconded by Representative B. Oshiro.

Representative Ward rose to speak in opposition to the motion to override, stating:

"Mr. Speaker, I rise in opposition to the override. Mr. Speaker, this bill is all about the dangers of voting outside the booth, a new trend in America. We love democracy. We love free and fair elections. But Mr. Speaker, is it sacred for the 'one man, one woman, one vote'. This bill will unfortunately get to the root of the very things that we hold as sacred. We are in a rush for relevance, and we're trying to do anything and everything. The *New York Times* mentions that some people are so upset about the low voter turnout, that they are having gimmicks and things to the point where we're eliminating different kinds of voting machines. Letting everyone come to the polls on election day, even without registration prior to that. No need for

licensing and identification. Extending voting hours. Having holidays or weekends for voting. And then lastly not even having to go to the polls, a long standing tradition, which is almost a ritual in America.

"Many states have gone in large numbers without permanent voting, just using absentee voting. For example in Oregon, Washington State, almost 50 percent of the votes are cast by mail. One of the analogies here is like leaving the winner, or leaving the game at the third quarter of a basketball game. We can't decide the winner of any game in the second quarter or the third quarter, but in effect what we're having now is a serial voting if you will. Some people who only know a smile and name, and others who then get to the issues, and then who actually go through the hit pieces and whole cycle that all of us in this body are probably used to. What we're saying is that you can make your decision without the time, the information, etc.

"And another thing that's lacking in this bill, Mr. Speaker, is the support of the election officers. In the Governor's veto she points out that they are not prepared nor ready for such a thing. The clerks have not adequate time to change the voting registration regulations without appropriate resources to do so. And then, and I think this is where it takes the cake, we shouldn't be fooled by the fact that we think HAVA, Helping America Vote, is going to provide us the few hundred thousand dollars. Well, if it's not in the State's election plan, those federal funds cannot be used. So we're dressing ourselves up to make ourselves feel good, but this bill is not going to do what it's intended to do, and I would submit that the voter turnout is got to go beyond something that is just too open to abuse and misuse. Unintended consequences are serious, Mr. Speaker. Thank you."

Representative Ching rose to speak in opposition to the motion to override, stating:

"I was wondering if I could stand in opposition. Thank you. I stand in opposition of this bill. The key reason why to me this bill is flawed, and it was on national TV about how many people who are actually not alive anymore and they do, somehow, vote. They are recorded as voting and they're not alive anymore. The key is that this allows permanent absentee voting without proper safeguards that we want truthful and clear voting.

"I think that if one wants to improve the voter turnout, well, the truth is, it has to do with the way public servants I think express themselves to the people, and I think that you're going to see a very increased voter turnout this year, without a measure like this. So maybe the measure which jeopardizes safety, isn't nearly as worth it, because I think that we've registered a lot more people this year, if I'm correct on that. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 156, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," as contained in Gov. Msg. No. 554 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Noes, 5: Ching, Finnegan, Marumoto, Meyer and Ward.

Excused, 5: Belatti, Bertram, Saiki, Thielen and Tokioka.

At 4:05 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 156, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 554, had carried.

The following message from the Governor (Gov. Msg. No. 555) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 555, transmitting her statement of objections to S.B. No. 871, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 871

Honorable Members
Twenty-Fourth 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. 871, entitled "A Bill for an Act Relating to Food Waste Recycling."

The purpose of this bill is to establish a three-year pilot project in one or more schools for the recycling of food waste as part of the State's integrated solid waste management plan in chapter 342G, Hawaii Revised Statutes. The bill requires the Departments of Education and Health to consider using public-private partnerships and to seek and use public-private sector funding support in developing and implementing the pilot project.

This bill is objectionable because neither the Department of Education nor the Department of Health requested this project. In addition, this bill contains an appropriation of \$25,000 out of the general revenues of the State. I am concerned that this funding may be too limited to obtain any meaningful results and could create an undue burden on the Department of Education and the Department of Health by requiring them to seek funding from the private sector to sustain the project.

While I believe recycling is necessary, I also believe the Department of Education should determine whether such a program is warranted and will result in cost savings.

For the foregoing reasons, I am returning Senate Bill No. 871 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 556) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 556, transmitting her statement of objections to S.B. No. 1526, SD 2, HD 3, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1526

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval Senate Bill No. 1526 entitled "A Bill for an Act Relating to Judiciary."

The purpose of this bill is to specify the salary ranges effective on July 1, 2008 for the Administrative Director of the Courts and the Deputy Administrative Director of the Court, with the Chief Justice of the Supreme Court of the State of Hawaii authorized to determine the actual salaries. The salaries for these positions were excluded from the salary review by the Commission on Salaries established by section 26-56, Hawaii Revised Statutes, pursuant to Section 3.5 of Article XVI of the State Constitution.

This bill is objectionable because of the disproportionate increases it would give to two people while the residents of this state are facing times of economic uncertainty. The bill grants the Chief Justice discretion to set the salary of the Administrative Director of the Courts within the salary range of \$120,000 to \$150,000, effective July 1, 2008. This would amount to a 6.7% to 30.5% increase for the current incumbent. The bill also gives the Chief Justice discretion to determine the salary of the Deputy Administrative Director of the Courts within a range of \$115,000 to \$140,000, effective July 1, 2008. This would be a 7.9% to 30.2% increase for the person who holds this position.

By comparison, many of Hawaii's own residents are facing de facto wage decreases due to increases in basic living expenses, including food, fuel, and rent. Some have recently lost their jobs and the State is working diligently to assist these families and individuals as they seek new employment. To dramatically increase the salary of two government officials whose duties and responsibilities have not changed could be interpreted as callous to the challenges ordinary people are facing.

Even with a veto of this measure, these two people will still receive a 3.5% pay raise effective July 1, 2008, raising their pay to \$116,416 for the Administrator and \$110,872 for the Deputy Administrator.

It should be noted that the amendment to Article XVI, Section 3.5 of the State Constitution, ratified in November of 2006, should have included the Director and Deputy Administrative Director of the Courts. The voters have an opportunity to correct this oversight by approving a 2008 ballot measure to convene a Constitutional Convention.

For the foregoing reasons, I am returning Senate Bill No. 1526 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 557) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 557, transmitting her statement of objections to S.B. No. 1793, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1793

Honorable Members
Twenty-Fourth 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. 1793, entitled "A Bill for an Act Relating to the Natural Energy Laboratory of Hawaii Authority."

The purposes of this bill are to add two members to the Board of Directors of the Natural Energy Laboratory of Hawaii Authority (NELHA), who must be chosen from among the tenants holding leases on property within the NELHA research and technology park, and to exempt NELHA from certain administrative and oversight requirements that apply to boards and commissions. More specifically, the bill would exempt NELHA from certain provisions of section 26-35, Hawaii Revised Statutes, to enable NELHA to directly communicate with the Governor or the Legislature and to make all decisions regarding NELHA employees and the purchase of supplies, equipment, and furniture without the approval of the Director of Business, Economic Development and Tourism (DBEDT).

Agencies, such as NELHA, enjoy a certain degree of autonomy in their mission and functions from the departments to which they are attached. Although the level of autonomy is not defined precisely in the law, my Administration has honored and encouraged agencies to carry out their goals and objectives in collaboration with their department.

This bill is objectionable because it eliminates the partnership between DBEDT and NELHA in critical areas of NELHA operations, including the hiring and firing of personnel and the procurement of supplies and equipment. I strongly believe that all attached agencies must have Executive Branch oversight in these areas to ensure the proper use and expenditure of public funds. Furthermore, review and approval by a department head in the administration of an attached agency is critical to ensuring that consistent policies are being implemented and that applicable rules and other provisions are being followed. Departmental review could preclude the need for additional staff that must be hired by the attached agency.

Finally, this bill is objectionable because it suggests that NELHA and other attached agencies do not have the ability to communicate with the Legislature or the Executive Branch. This is not the case; NELHA and several other boards and commissions testified before the Legislature this past year and are always welcome to meet with me or my staff.

For the foregoing reasons, I am returning Senate Bill No. 1793 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 558) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 558, transmitting her statement of objections to S.B. No. 2196, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2196

Honorable Members
Twenty-Fourth 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. 2196, entitled "A Bill for an Act Relating to Commercial Activities on Ocean Waters."

The purpose of this bill is to regulate commercial activities in the Waianae Coast ocean waters that originate from a private marina. This bill is objectionable because it is unnecessary and vague.

Act 6, Special Session Laws of Hawaii 2005, and Act 314, Session Laws of Hawaii 2006, authorized \$120,000 in general funds to complete a baseline environmental study of the Waianae Coast ocean area for the purpose of establishing a Waianae Coast ocean recreation management area (ORMA). The purpose of establishing an ORMA is to resolve user conflicts through rulemaking for that ORMA. The baseline environmental study is expected to be completed in July 2008. Once the baseline environmental study is completed, rulemaking based on the study may commence, and such rulemaking may address any needed regulation of commercial activities in the ORMA, including those originating from a private marina.

The establishment of a Waianae Coast ORMA is authorized under current law. Senate Bill No. 2196 does not provide any required statutory authority for the establishment of a Waianae Coast ORMA.

Furthermore, Senate Bill No. 2196 is vague. Senate Bill No. 2196 is unclear as to what extent commercial activities within a private marina itself are intended to be regulated, what circumstances would warrant such regulation, and how such regulation may be enforced.

For the foregoing reasons, I am returning Senate Bill No. 2196 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 559) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 559, transmitting her statement of objections to S.B. No. 2198, SD 2, HD 2, CD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2198

Honorable Members
Twenty-Fourth 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. 2198 entitled "A Bill for an Act Relating to Land Conservation."

The purpose of this bill is to encourage the protection and preservation of land suitable for conservation by establishing a tax credit of \$1 million for the sale, donation, or management of land for conservation purposes.

While the intent to preserve conservation lands is commendable, the bill poses both operational and fiscal problems.

The bill places a cap of \$1 million on the amount of credit any one taxpayer can receive. The bill also places a \$1 million aggregate tax credit on the total amount that may be paid to all qualified taxpayers during the five years that the program is in effect. The amount is both outside the budget and unrealistic.

First, any single donation of \$2 million would qualify to use the entire amount of the credits available for the entire program through the year 2013. More troubling is the fact that the bill does not indicate how competing and equally qualified submissions for the

credit should be awarded, opening the program to potential litigation or challenge.

Second, unlike conservation tax credits enacted in other states, this bill permits the credit to be taken for voluntary investments in the management of land, an activity that is fraught with interpretation and possible abuse. Further, this bill does not prohibit a taxpayer from claiming both a credit and a State deduction, thus double-dipping into the State tax coffers. Additionally, the bill incorrectly references pass-through entities, in violation of well-settled tax principles for the treatment of partnerships, limited liability corporations, and corporations.

It should be noted that State and federal programs, including the legacy lands program, currently exist to encourage landowners to engage in good stewardship, consider charitable donations of their property, or allow for the State to purchase and preserve conservation properties. These programs will continue to have my support and do not result in the types of fiscal or operational problems this measure poses.

For the foregoing reasons, I am returning Senate Bill No. 2198 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 560) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 560, transmitting her statement of objections to S.B. No. 2262, SD 1, HD 2, CD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2262

Honorable Members
Twenty-Fourth 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. 2262, entitled "A Bill for an Act Relating to Health."

The purposes of this bill are to extend the repeal date of Act 245, Session Laws of Hawaii 2005 ("Act 245"), from July 1, 2009, to July 1, 2010; to require the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF") to conduct a certified independent financial audit of the EUTF that covers the Hawaii State Teachers Association (HSTA) employees, retirees, and employee-beneficiaries who have remained with the EUTF; and to require the State Auditor to make findings and recommendations regarding the benefit and administrative costs of the EUTF and the voluntary employees' beneficiary association trust ("VEBA trust") sponsored by HSTA based on the independent financial audit.

This bill is objectionable because if VEBA trusts improve benefits, they likely do so for a select group of employees at the expense of others. As noted in my statement of concerns regarding the original passage of Act 245 and my message regarding the passage of Act 294, Session Laws of Hawaii 2007 ("Act 294"), VEBA trusts result in increased costs for employee groups that consist of older, less healthy members. If bargaining units that have employees with better than average claims or loss experience are allowed to form VEBA trusts and exit the EUTF, the average claims and loss experience for the remaining EUTF membership will increase, leading to increased rates for the EUTF membership. The EUTF testified that this has

been the effect of the HSTA VEBA trust. The EUTF's testimony on this bill states that the EUTF consultant calculated that EUTF rates would have been lower if bargaining unit 5 members had remained in the EUTF rather than transferring to the HSTA VEBA trust. In addition, since Act 245 provides for VEBA trusts to cover all future retirees, but not all current retirees, this causes the EUTF to be left with an increasingly older group of retirees, resulting in higher rates for EUTF plans.

The provision of health benefits through a single health benefits delivery system, the EUTF, is the most effective way to control health benefits costs and meet the needs of all State and county employees, retirees, and their dependents. In Act 88, Session Laws of Hawaii 2001 ("Act 88"), the Legislature created the EUTF, in part: (1) to eliminate the negative effect on health benefits plan rates due to adverse selection caused by employee organization sponsored health benefits plans, (2) to eliminate the duplication of administrative costs caused by having multiple health benefits plans, and (3) to establish one large health plan that would have the leverage to negotiate better rates and benefits with insurance carriers and others offering health benefits plans.

The legislative history of Act 88 indicates that the Legislature also created the EUTF in order to have better oversight and control over the use of public funds appropriated for public employee and retiree health benefits plans. Act 88 was correct in 2001 and it is still correct today.

I remain concerned about the effectiveness of safeguards against fraud or mismanagement by VEBA trustees. VEBA trusts established under Act 245 are not covered by the strict standards of the federal Employee Retirement Income Security Act of 1974 ("ERISA"). There is no single State agency responsible for administering and regulating VEBA trusts. No State agency has been authorized to make rules for administering and regulating VEBA trusts and no funding has been provided for such administration and regulation.

In addition to the foregoing objections regarding VEBA trusts, this bill is objectionable because it does away with the thorough analysis and comprehensive study that the Legislature itself said was necessary in order to determine whether Act 245 should or should not be extended or made permanent. Act 245 stated that the VEBA trust program was to be a three-year pilot program during which a "thorough analysis" of the costs and benefits of a VEBA trust can be evaluated against the EUTF to determine what actual savings could be realized through VEBA trusts. Last year, in Senate Concurrent Resolution No. 178 ("S.C.R. No. 178"), the Legislature stated that in order for the Legislature to make a sound determination regarding whether or not to extend or make permanent Act 245, the Legislature required data, along with an independent study of that data, regarding all aspects of the impact of Act 245, and the possible impact of additional VEBA trusts. S.C.R. No. 178 requested the State Auditor to conduct a "comprehensive study" on the impact of Act 245, both historically and prospectively, on: (1) HSTA members and retirees, (2) members and retirees of other bargaining units who remained in the EUTF, (3) public employees who would be ineligible to join any VEBA trust, (4) the public employers, (5) the public employers' compliance with Governmental Accounting Standards Board Statement Numbers 43 and 45, (6) the operations and finances of the EUTF, (7) the ramifications of the coexistence of both VEBA trusts and the EUTF, and (8) any other persons or areas identified by the Auditor. The State Auditor has not conducted the requested study and the certified independent financial audit required by this bill is far from the thorough analysis and comprehensive study called for by Act 245 and S.C.R. No. 178. It should also be noted that the Legislature did not appropriate any funds for the EUTF to conduct the independent financial audit.

The State Auditor should conduct the comprehensive study requested under S.C.R. No. 178 and submit a report to the Legislature for consideration. Based on that report, the Legislature should make a decision as to whether to extend the VEBA trust pilot program.

For the foregoing reasons, I am returning Senate Bill No. 2262 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

By unanimous consent, Gov. Msg. No. 560 was deferred to the End of Calendar.

The following message from the Governor (Gov. Msg. No. 561) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 561, transmitting her statement of objections to S.B. No. 2263, SD 2, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2263

Honorable Members
Twenty-Fourth 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. 2263, entitled "A Bill for an Act Relating to the University of Hawaii."

This bill amends sections 89C-4 and 304A-105, Hawaii Revised Statutes, to provide that proposed compensation or changes in compensation for executive or managerial positions excluded from chapter 89C, Hawaii Revised Statutes, in the University of Hawaii system shall be disclosed in open meetings for purposes of public comment, to provide all documents regarding expenditures and changes to expenditures made by the Board of Regents shall be disclosed in open meetings, and to provide that all expenditure requests, proposals, and any other budgetary documents used by the Board of Regents at an open meeting shall be made available to the public at least six calendar days before the meeting.

This bill is objectionable for three reasons. First, disclosure would hinder the University's ability to negotiate terms, including salaries, of employment contracts favorable to the University and taxpayers. Allowing proposed compensation to be publicly disclosed, before a contract is negotiated or executed, could damage the University's bargaining stance. This frustrates a legitimate government purpose for which existing law provides protections.

Second, under the public records law, the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes, the University of Hawaii is required to disclose the actual salaries of exempt employees. Disclosure of proposed salaries of executive or managerial employees of the University of Hawaii is not of sufficient public interest to warrant the invasion of privacy of these public servants. Because this bill would single out a certain class of employees, removing their privacy protections, this bill also raises equal protection issues in the treatment of State personnel.

Third, transparency is already provided. The Sunshine Law, part I of chapter 92, Hawaii Revised Statutes, currently gives the public the opportunity to testify on matters listed on a Board's agenda. While the exact salary the Board of Regents proposes to pay a specific employee is not included on the agenda, the Board is already required by the Sunshine Law to provide sufficient information to inform the public that it is considering a compensation matter for a prospective or current employee. Salary ranges are publicly disclosed

and give the public an opportunity to know the parameters of the proposed personnel action.

Finally, this bill oversteps the protection provided in Article X of the State Constitution which grants to the Board of Regents exclusive jurisdiction over the internal organization and management of the University.

For the foregoing reasons, I am returning Senate Bill No. 2263 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2263, SD 2, HD 1, seconded by Representative B. Oshiro.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2263, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," as contained in Gov. Msg. No. 561 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 40: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoy, Manahan, McKelvey, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Marumoto, Meyer, Pine and Ward.

Excused, 5: Belatti, Bertram, Saiki, Thielen and Tokioka.

At 4:09 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2263, SD 2, HD 1, as contained in Gov. Msg. No. 561, had carried.

The following message from the Governor (Gov. Msg. No. 562) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 562, transmitting her statement of objections to S.B. No. 2334, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2334

Honorable Members
Twenty-Fourth 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. 2334, entitled "A Bill for an Act Relating to Public Safety."

The purposes of this bill are to (1) repeal the civil service exemption for the positions of First Deputy Sheriff and Second Deputy Sheriff, and (2) require that the Deputy Director for Law Enforcement of the Department of Public Safety and the Sheriff be graduates of a law enforcement academy.

This bill is objectionable because it unnecessarily limits the Governor's ability to appoint the best qualified candidate for the positions of Deputy Director for Law Enforcement and the Sheriff.

The issue of whether a person has graduated from a law enforcement academy is only one of the criteria to consider in selecting the best qualified candidate and should not automatically exclude an otherwise qualified candidate with experience in related fields such as prosecutors, public defenders, law enforcement experts, or military police.

For the foregoing reasons, I am returning Senate Bill No. 2334 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 563) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 563, transmitting her statement of objections to S.B. No. 2341, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2341

Honorable Members
Twenty-Fourth 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. 2341, entitled "A Bill for an Act Relating to Public Safety."

The purpose of this bill is to require that all contracts between the State and a "nongovernmental entity" for the housing of Hawaii inmates out of state include a provision ordering contractors to allow access to information under chapter 92F, Hawaii Revised Statutes.

This bill is objectionable because it is unnecessary, unfair, and vague. It is unnecessary because information requested can be obtained and disclosed by and through the Department of Public Safety. Currently, information regarding out-of-state correctional facilities, such as audit reports, contracts, and corrective action plans, are online and accessible to the public via the Department of Public Safety's website. Moreover, printed copies are also available upon request.

This measure is unfair because no other contractor with the State is required to comply with chapter 92F, Hawaii Revised Statutes. Moreover, requiring private prison contractors to comply with information requests will create a chilling effect on competitive bidding and procurement, which could lead to increased costs for housing Hawaii's inmates. In the event no firms bid due to these requirements, some or all of the 2,300 inmates now located out-of-state might need to be returned to already overcrowded facilities in the State.

Finally, this measure is vague and ambiguous as to the information required to be disclosed, the basis for nondisclosure, the procedures that the contractor and requestor of information are to follow, and the entity responsible for handling disputes. Chapter 92F is drafted and defined in such a way that it applies to government records maintained by government agencies, and the Office of Information Practices' scope of authority does not include enforcement of contractual obligations. As a result, it is unclear how this bill can be implemented or enforced.

For the foregoing reasons, I am returning Senate Bill No. 2341 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 564) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 564, transmitting her statement of objections to S.B. No. 2345, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2345

Honorable Members
Twenty-Fourth 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. 2345, entitled "A Bill for an Act Relating to Children."

The purpose of this bill is to establish "guiding principles" for State agencies to use when dealing with the children of incarcerated parents.

While the objective of the bill is laudable, the bill is nevertheless objectionable because it unnecessarily and unfairly singles out children of incarcerated parents for special treatment and it lacks a statement that the bill was not intended to create a private right of action or right to sue.

In addition, the guiding principles contained in paragraphs (6), (7), (8), and (9) of the new section being added to chapter 346, Hawaii Revised Statutes, by section 2 of the bill are not well-founded. Paragraph (6) provides that "children's wishes should be taken into consideration regarding any decisions made concerning their welfare." Similarly, paragraph (7) provides that "children's wishes should be taken into consideration when decisions are made about their incarcerated parent." These provisions appear to give children a say in significant and complex issues even though, as minors, many of these children lack the requisite capacity to make such decisions. Even for older children who may have the requisite capacity, honoring their wishes infringes upon the authority of the courts, the Department of Public Safety, the Hawaii Paroling Authority, and other agencies responsible for the welfare and custody of incarcerated parents and their children.

Paragraph (8) is vague, providing simply that "[c]hildren should be well cared for in the absence of an incarcerated parent." Paragraph (9) is also vague, providing that "[c]hildren should receive proper support during any struggles with the parent's incarceration." These guiding principles do not specify who should provide the care and support, nor do they describe the type or extent of the care and support. Such vagueness presents the possibility that these provisions may be interpreted in ways detrimental to the State and, therefore, expose the State to potential liability.

For the foregoing reasons, I am returning Senate Bill No. 2345 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2345, SD 1, HD 1, CD 1, seconded by Representative B. Oshiro.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2345, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," as contained in Gov. Msg. No. 564 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 5: Ching, Finnegan, Marumoto, Meyer and Pine.

Excused, 5: Belatti, Bertram, Saiki, Thielen and Tokioka.

At 4:11 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2345, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 564, had carried.

The following message from the Governor (Gov. Msg. No. 565) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 565, transmitting her statement of objections to S.B. No. 2434, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2434

Honorable Members
Twenty-Fourth 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. 2434, entitled "A Bill for an Act Relating to the Stadium Authority."

The stated purpose of this bill is to increase the membership of the Stadium Authority from nine to eleven members, but there are already eleven members on the Authority. The bill changes the appointment process by requiring that three members be appointed directly by the Governor, three from a list of nominees submitted by the President of the Senate, and three from a list of nominees submitted by the Speaker of the House of Representatives. The legislative leaders would designate nominees for the next six vacancies (alternating between the President of the Senate and the Speaker of the House). The Governor would not be able to select members until the year 2010.

This bill is objectionable because it unduly restricts the Governor's power to appoint executive officials and to ensure thereby that the laws are faithfully executed. The bill fails to provide a justification or rationale for amending the current nomination process. The nominees to the Stadium Authority are subject to advice and consent, thus, the Legislature already has the ability to determine if a nominee is not satisfactory.

The bill also fails to specify (1) how vacancies would be filled after the first nine; (2) whether it would apply when a member leaves office before serving a full term and, if so, how a successor would be nominated. Further, the bill fails to establish a minimum number of candidates that must be included on lists of potential nominees submitted by the Legislature.

For the foregoing reasons, I am returning Senate Bill No. 2434 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 566) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 566, transmitting her statement of objections to S.B. No. 2542, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2542

Honorable Members
Twenty-Fourth 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. 2542, entitled "A Bill for an Act Relating to Public Health."

The purpose of this bill is to codify the procedures for managed care supplemental payments by the Department of Human Services (the department) to federally qualified health centers (FQHCs) or rural health clinics (RHCs) that have contracts with Hawaii Medicaid managed care health plans. This bill also appropriates \$1 million to the Department of Health for medical care for the uninsured.

This bill is objectionable because it is unnecessary to restate in a state statute the requirements already imposed by federal law. In the case of services furnished by an FQHC or RHC pursuant to a contract with a managed care plan, the State plan must provide for a supplemental payment to the clinic to make up the difference between the amount paid under the managed care contract and the cost-based amount calculated in section 1902(bb)(1) of the Social Security Act. Therefore, FQHCs and RHCs have been receiving, and will continue to receive, their supplemental payments pursuant to federal law.

Although section 2 of this bill, detailing the reimbursement procedures for FQHCs and RHCs, is only to be implemented after approval of a State plan amendment by the Centers for Medicare and Medicaid Services, it is not good public policy to place detailed procedural directives in statutes. Statutes should be broad statements of general policy, with detailed procedures placed in administrative rules or related administrative documents.

It would be unwieldy and cumbersome to change detailed procedures that are in statutes. The only way the department or the provider community could alter the statutory reimbursement procedures would be through further legislative action, which would need to occur each time there were changes in federal policy or requirements, or other circumstances in which changes would be beneficial.

This bill liberalizes the current prospective payment system, which would result in reimbursements in excess of the current mandated PPS supplemental payments to FQHCs and RHCs. This could have substantial fiscal impact since the State is already facing higher costs for provider reimbursements due to the anticipated reduction of the federal contribution to Hawaii's Medicaid program. Additionally, the \$1 million general fund appropriation in this bill is outside of the stated six-year balanced budget plan.

For the foregoing reasons, I am returning Senate Bill No. 2542 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2542, SD 2, HD 2, CD 1, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the motion to override with reservations, stating:

"With serious reservations. Thank you, Mr. Speaker. In regards to this bill, basically we are facing times where we need to take a look at our spending, and this is one of the bills that has a lot of money in it, \$1 million. But it is one of those issues that I think instead of expanding care like we were trying to do in an earlier bill, what this basically does is help the existing structure, the existing care, that I feel we have more responsibility to do. That's why I'm supporting it with reservations, Mr. Speaker.

"But it is a difficult thing to do, because as we know with the Council on Revenues' report, that the update from the time that we finished Session until now has changed significantly. And I know that we were trying to be very fiscally conservative or aware throughout the Session. There are still adjustments that need to be made with that last Council on Revenues' adjustment. Thank you, Mr. Speaker."

Representative Mizuno rose to speak in support of the motion to override, stating:

"Thank you, Mr. Speaker. I rise in support of the veto override for Senate Bill 2542. Thank you, Mr. Speaker. I'd like to quote Governor Lingle on her support for community health centers. I think she hits the mark. If I may, Governor Lingle provides 'Community health centers help to ensure that medically uninsured or underinsured residents receive affordable, high quality health care and preventive services. These health centers are integral life lines in the community, especially rural areas providing health services to the elderly, youth, families, who can least afford medical treatment.'

"Mr. Speaker, Hawaii has a network of 14 community health centers with 46 service sites on 6 islands, serving 100,000 residents."

The Chair addressed Representative Mizuno, stating:

"Representative Mizuno, with your indulgence, would you like to submit your written comments since time is of the essence for Members of this body?"

Representative Mizuno: "Absolutely. Thank you, Mr. Speaker."

Speaker Say: "Thank you for your understanding and being kind."

Representative Mizuno's written remarks are as follows:

"Mr. Speaker, I rise in support of a veto override for SB 2542. I'd like to quote Governor Lingle as her words seem to provide the best support for Community Health Centers. 'Community health centers help to ensure that medically uninsured or underinsured residents receive affordable, high quality health care and preventive services.... These health centers are integral lifelines in the community, especially in rural areas, providing health services to the elderly, youth and families who can least afford medical treatment.'

"Mr. Speaker, Hawaii has a network of 14 community health centers with 46 service sites on six islands serving more than 100,000 individuals per year.

"Finally, this measure places specific language negotiated with the Department of Human Services into statute to clarify processes of how and when health centers are paid.

"For the foregoing reasons, I support the veto override for SB 2542, to support our community health centers."

Representative Green rose to speak in support of the motion to override, stating:

"Thank you Mr. Speaker, in support. The more important part of this bill, I think than the million dollars, is the BPS rules. Very briefly, it's imperative that we have these rules in place. It will make these health centers function a little bit better. If God forbid, any of them closed, and closed off a large segment of the population from the community health centers, not only would the health consequences be catastrophic for those individuals, but the cost to the State and to the emergency rooms would go up very, very significantly.

"So overall, this is going to be a good bill. We'll save money. We had general agreement with the Department. We'll ensconce these rules, and I think we're going to go forward with a slightly better healthcare system. Thank you, Mr. Speaker."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2542, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT PUBLIC HEALTH," as contained in Gov. Msg. No. 566 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Finnegan, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Meyer, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 1: Pine.

Excused, 5: Belatti, Bertram, Saiki, Thielen and Tokioka.

At 4:17 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2542, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 566, had carried.

The following message from the Governor (Gov. Msg. No. 567) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 567, transmitting her statement of objections to S.B. No. 2546, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2546

Honorable Members
Twenty-Fourth 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. 2546, entitled "A Bill for an Act Relating to Offender Reentry."

The purpose of this bill is to further clarify chapter 353H, Hawaii Revised Statutes, in which the comprehensive offender reentry system is codified, to allow the Department of Public Safety to work

with other agencies to develop and provide inmates with services and to require the Department of Public Safety to rotate inmates back and forth if there is not enough room to bring back all inmates on the mainland. This bill also declares that the provisions of Act 8, First Special Session Laws of Hawaii 2007, which established the comprehensive offender reentry system, are mandatory instead of directory.

This bill is objectionable because the Legislature continues to mandate all aspects of offender reentry without consideration for the feasibility, practicality, and fairness of implementing such programs and services.

As an example, Senate Bill No. 2546 requires the Department of Public Safety to implement a quarterly rotation system to return out-of-state inmates with less than one year to serve while transporting inmates with longer sentences to the mainland. The provision does not make any distinction or provide priority for inmates who may benefit most from returning to Hawaii.

Moreover, this measure does little to address the liability issues created by Act 8, Special Session Laws of Hawaii 2007, as mentioned in both my veto message for Senate Bill No. 932 and the opinion issued by the Attorney General on July 30, 2007. In addition, this measure also does not provide funding for the programs and services that were required to be implemented by the Department of Public Safety pursuant to this measure and Act 8, Special Session Laws of Hawaii 2007.

It is important that the Department of Public Safety be allowed to make its own judgments on how offender reentry can best be implemented to ensure the welfare of the inmates and protect the public.

For the foregoing reasons, I am returning Senate Bill No. 2546 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 568) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 568, transmitting her statement of objections to S.B. No. 2644, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2644

Honorable Members
Twenty-Fourth 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. 2644, entitled "A Bill for an Act Relating to The State Historic Preservation Officer."

The purpose of this bill is to amend the qualifications of the State Historic Preservation Officer to meet the required standards established by the United States Secretary of the Interior. Specifically, this bill requires the person appointed by the Governor as the State Historic Preservation Officer be qualified in architecture, architectural history, archaeology, history, culture, or a closely related field.

This bill is objectionable because the United States Department of the Interior does not require that the State Historic Preservation Officer meet professional qualification standards.

Currently, the Chairperson of the Board of Land and Natural Resources serves as the State Historic Preservation Officer. The State Historic Preservation Division of the Department of Land and Natural Resources is managed by an Administrator who is responsible for the daily operations of the division and who reports to the Chairperson of the Board of Land and Natural Resources. The Administrator's position is also referred to as the Deputy State Historic Preservation Officer.

The fact that the Chairperson of the Board of Land and Natural Resources serves as the State's Historic Preservation Officer has been a long-standing practice that has met with federal approval. Federal regulations specify that the State Historic Preservation Officer is responsible for maintaining a staff that meets the professional qualification requirements, but does not require the State Historic Preservation Officer to have those professional qualifications.

For the foregoing reasons, I am returning Senate Bill No. 2644 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 569) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 569, transmitting her statement of objections to S.B. No. 2663, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2663

Honorable Members
Twenty-Fourth 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. 2663, entitled "A Bill for an Act Relating to the Hawaii Teacher Standards Board."

The stated purpose of this bill is to increase the number of teachers on the Hawaii Teacher Standards Board, define who may nominate members to and serve on the Board, and require the Board to report its expenditures and income.

This bill is objectionable because it curtails the pool of qualified entities that may nominate persons to serve on the Hawaii Teacher Standards Board and prescribes a composition that would likely decrease the representation of neighbor islands on this important body.

The Hawaii Teacher Standards Board plays an important role in setting standards for and licensing teachers in the State of Hawaii. Current law allows the Governor to nominate members from lists provided by departments, agencies, and organizations that represent the constituents of the Board. This is appropriate and has resulted in a pool of candidates that come from a cross-section of educational facilities within the State.

This bill would prescribe and limit the organizations that can nominate persons for my consideration, effectively banning nominees from parent-teacher associations, school community

councils, the Charter School Administrative Office, the University of Hawaii, and national organizations that are working diligently to improve the quality of teachers in Hawaii, such as Teach for America.

Further, this bill requires that the composition of the membership of the Board be proportionate to the teachers and administrators who work on each island. Currently, 31% of the Teacher Standards Board members represent neighbor islands, and I have worked hard to nominate persons representing all islands, including Lanai and Molokai. This bill would make the Board more Oahu-centric, thus decreasing the important voice of teachers who work in rural locations or deal with non-urban school challenges.

For the foregoing reason, I am returning Senate Bill No. 2663 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 570) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 570, transmitting her statement of objections to S.B. No. 2668, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2668

Honorable Members
Twenty-Fourth 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. 2668, entitled "A Bill for an Act Relating to the University of Hawaii."

The purported purpose of this bill is to clarify the procedure to be used to fill vacancies on the Board of Regents for the University of Hawaii. Among other changes, this bill will add a provision that allows the Regents Candidate Advisory Council to submit to the Governor only the minimum number of names of candidates for each vacancy on the Board.

This bill is objectionable because the provision allowing only the minimum number of names for each vacancy is ambiguous and could significantly curtail the ability of a governor to choose nominees. Pursuant to section 304A-104.5(b), Hawaii Revised Statutes, the minimum number of names for each of two vacancies is two and for three or more vacancies is at least three for the final seat. If only the minimum number of names is submitted to the Governor and all but one of the nominees withdraw or are rejected, the statute could be interpreted to require the Council to submit the name of at least one more candidate for the Governor to consider, so that the Governor has more than one nominee to consider.

On the other hand, this provision can be interpreted to mean that if all but one of the nominees are rejected or withdraw, the Council is not required to submit another nominee and the Governor will have only the remaining nominee to consider. Consequently, the Governor's constitutionally conferred authority to make executive appointments will effectively be reduced to no choice at all.

Additionally, this bill provides a blanket exemption for the Council from Chapter 92F, the State "Sunshine Law," further cloaking in secrecy the manner in which names are chosen to fill the important

Board of Regent positions. This lack of transparency and accountability runs contrary to good government.

For the foregoing reason, I am returning Senate Bill No. 2668 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2668, SD 2, HD 1, CD 1, seconded by Representative B. Oshiro.

Representative Ward rose to speak in opposition to the motion to override, stating:

"Mr. Speaker, I rise in opposition to this bill, and I'll say two things. Number one, it's a reminder of IFL-phobia, the irrational fear of Lingle. Number two, there's really no substance to the objection. If she's going to be able to choose nominees, why get in a cat-fight over how, and methodologically its happening here. I think we went through it time and time and again, and I think it's time to say, enough already.

"Mr. Speaker, this gets nowhere with the Executive. It's another hampering, another handcuffing, and another way of saying that we're the Legislature and you're the Governor, and we don't want you to do what you're doing, in which every Governor prior to Governor Lingle has had that right and responsibility. They've done a good job at it, and she is doing also an excellent job. So why are we doing this much to do about nothing?"

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. Yes, I just see this as a bill that tries to take away the Governor's powers."

Representative Meyer rose to speak in opposition to the motion to override, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this override. I think this is just so convoluted, the way this bill is put together. The leadership of the Senate and the House submit names, and then we go as far as to say, 'Well, if we only give you two, then you'll just have to do those two.' It would be more honest and more transparent and forthright if this bill said the Legislature will decide who the Regents are. Don't get the Governor mixed up in it, because that's what you're trying to do. Thank you, Mr. Speaker."

Representative Takai rose to speak in support of the motion to override, stating:

"Thank you Mr. Speaker, I rise in support of this override. Thank you, Mr. Speaker. I just wanted to remind our colleagues that on November 7, 2006, the voters of this State passed a constitutional amendment that created the Candidate Advisory Council. This Council is charged with recommending to the Governor candidates to be members of the Board of Regents. The Governor still has the prerogative to choose from that list.

"If you take a look at the amendments made in this Conference Draft 1, many of them, if not all of them, were suggested by the Candidate Advisory Council. As you know, since this amendment passed, and the codification was passed last Legislative Session, the Candidate Advisory Council had one opportunity to make recommendations to the Governor. And there are some critical issues with the legislation that we passed last year that needed cleaning up. So if you take a look at the bill, I think every single amendment made to the current statute is a legitimate one. And I don't understand the concerns on the other side regarding just letting the Legislature choose, or letting the Governor choose, or irrational fear

of Lingle. I actually think it's irrational fear of the Candidate Advisory Council, because the Candidate Advisory Council is the one that recommends to the Governor the list of candidates that she can choose.

"You know, there are 13 pages, in fact 14 pages, in this Conference Draft 1, and I say to the Members, take a look at every single change. I don't think there are any problems, constitutional problems or legislative statutory problems, that we have to fear. And I just end with this. On page 13 and 14, there are significant additions to the current statute that protects the confidentiality of these prospective board members, and I think we need to support that.

"So there are significant changes to the law that need to be put in place as we move forward in supporting what the voters decided in 2006. Thank you, Mr. Speaker."

Representative Chang rose to speak in support of the motion to override, stating:

"Mr. Speaker, in support of the override. The Governor's argument that if candidates withdraw, she is stuck with just the one or two that is left, would be true for just about every situation where nominees are submitted to the Governor. Thank you."

Representative Marumoto rose to speak in opposition to the motion to override, stating:

"Thank you. In opposition, Mr. Speaker. This year, we're going to be limiting the Governor's choices in selecting the University of Hawaii Regents. I'm thinking maybe next year there'll be another Candidate Advisory Board that comes up in legislation for other boards and commissions. So I'm wondering whether next year it will be the Land Board, or the Land Use Commission.

"The whole trend has been to cut the power of the Governor and have her name her team members. But you know, in the future, there may be other Governors, and I don't think we're doing a wise thing. The Governor is supposed to execute and handle the Executive Branch, and we are totally cutting into the powers of the Executive by selecting the people who will be on that Executive team. I would urge you to consider voting 'no' on this measure. Thank you."

Representative Rhoads rose to speak in support of the motion to override, stating:

"In support of the override. Just responding to the point that every bill that we've passed this year that has to do with the Governor and restricts her powers. I had a bill that passed that gave the Governor more powers, and she vetoed it. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, in opposition. I think what it comes down to is this bill can basically be interpreted to leave the Governor with only one option. Whether through the candidate withdrawing or being rejected. And what that means though is, in these processes you want balance. You want to be able to say that there was some kind of compromise. There's no extreme so that the Council or the Governor gets their way particularly. So it's a balance.

"Its about balance. And what you do in this case is if you want a certain outcome, you can line it up to get your outcome. And I think what the Governor wants out of, from what I can read in the veto message, is that it should have that toggle, basically compromise, that says that it doesn't necessarily, just, it cant be left in a position where only one side is making the decision. I don't know if it's a flaw in the bill, but I don't think that that's what we want. That's not in the best interest of the University. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, if I could just add a footnote. The Henry Ford choice is, it comes in any color as long as it's black. And I think that's what we're saying here. You can choose, but hey, you've got to do it our way. Secondly, the Governor's not about power. She's about doing the right thing. So anybody that tries to give the Governor power, that's a meaningless statement. It's about doing what's the right thing for the people of Hawaii. That's the bottom line, Mr. Speaker."

Representative Takai rose to respond, stating:

"Thank you. I just wanted to bring up a point, and that point is, I believe the Candidate Advisory Council did an excellent job the first time around. In fact, as you recall, they recommended Kitty Lagareta to be reappointed to the Board. Now, the beef is really with the other side, if that is the issue. Because if you take a look at the recommended candidates that the Governor had to choose from, I think they did an excellent job.

"I don't see anywhere in the process right now that your hands, our hands, the Senate's hands, are involved in the selection of the candidates. We need to, again, remind ourselves that the voters of this State wanted to get politics out of that selection. And I think we've done an excellent job. So I don't understand where people are saying that we're passing this to get politics back in. I think that what we're doing is a disservice to the members of the Candidate Advisory Council, and a disservice and a discredit to the members of our public that were appointed, or recommended to the Governor for appointment to the Board. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just want to make it clear in my opposition that it isn't necessarily a reflection of the existing Candidate Advisory Council. It's not about that. It's about policy. It's about how you look forward, where you see some *pukas*, where do you see different types of areas in which you want to make sure it is fair and balanced. So it's not about that. Yeah, I happen to agree with the Kitty Lagareta reappointment. And yes, that wasn't due to the Candidate Advisory Council. But it's not about them ..."

The Chair then addressed Representative Finnegan, stating:

"Representative Finnegan, would you please accept my apologies. I believe this is your third time speaking, and the Majority Floor Leader and Majority Leader did not catch that initially. But your comments will be recorded."

Representative Finnegan: "I apologize, thank you very much."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2668, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," as contained in Gov. Msg. No. 570 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 38: Awana, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Noes, 7: Ching, Finnegan, Green, Marumoto, Meyer, Pine and Ward.

Excused, 6: Belatti, Bertram, McKelvey, Saiki, Thielen and Tokioka.

At 4:30 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2668, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 570, had carried.

The following message from the Governor (Gov. Msg. No. 571) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 571, transmitting her statement of objections to S.B. No. 2803, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2803

Honorable Members
Twenty-Fourth 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. 2803, entitled "A Bill for an Act Relating to Personal Information."

The purpose of this bill is to implement the identity theft provisions for the security and protection of personal information collected and maintained by the counties and the State.

State agencies are already required by law to protect personal information. Personal privacy issues, including concerns over identity theft, are extremely important issues which State agencies will continue to address. My Administration has long recognized the need to secure and protect personal and confidential data. Since 2005 the Attorney General's office has been guiding the efforts of the Identity Theft Task Force to put into place procedures to protect personal records and to ensure prompt reporting of any breaches of these protections.

This bill is objectionable because, contrary to its stated intent, it would make it easier to access personal and confidential information contained in State and county documents. The bill would require each agency of government to submit a comprehensive list on the existence and character of all personal information contained in the systems of the executive, legislative, judicial, and county agencies of government. This compilation of personal information would detail how personal information is gathered, where the information is stored, what the information contains, the categories of individuals on whom the information is maintained, and numerous other specific details of how the government uses personal data.

This exercise has the potential to compromise the protections the legislation attempts to institute. A compilation of this magnitude and detail begs for attention detrimental to those whose records are accessed and provides a convenient road map to anyone who wants to access any and all information on government employees or the citizens it serves.

Further, the bill fails to provide the Department of Accounting and General Services with the authority it would need to enforce data security policy directives across all jurisdictions and within the legislative and judicial branches.

For the foregoing reasons, I am returning Senate Bill No. 2803 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2803, SD 1, HD 1, CD 1, seconded by Representative B. Oshiro.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2803, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PERSONAL INFORMATION," as contained in Gov. Msg. No. 571 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 40: Awana, Belatti, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoy, Manahan, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 5: Ching, Finnegan, Marumoto, Meyer and Pine.

Excused, 6: Bertram, McKelvey, Sagum, Saiki, Thielen and Tokioka.

At 4:33 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2803, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 571, had carried.

The following message from the Governor (Gov. Msg. No. 572) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 572, transmitting her statement of objections to S.B. No. 2824, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2824

Honorable Members
Twenty-Fourth 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. 2824, entitled "A Bill for an Act Relating to Procurement."

The purposes of Senate Bill No. 2824 are to: (1) remove the voting powers of the Comptroller and the county employee as members of the State Procurement Policy Board; (2) require the Board to annually audit a minimum of two executive departments, divisions, or agencies for compliance with chapter 103D, Hawaii Revised Statutes; and (3) require the Legislative Auditor to conduct a compliance, performance, and management audit of the State Procurement Office and the executive branch of the State to determine compliance with chapter 103D.

This bill is objectionable because by removing the voting rights of the Comptroller and the county employee who sit as members of the State Procurement Policy Board, this bill denies the State and county government from fully participating in the decisions of the Board and deprives the State and county government of full representation. The other five members of the Board are specifically designated by law not to be full-time State or county employees, provided that one member must be a certified professional in the field of procurement. There does not seem to be a basis to remove the voting rights of the Comptroller, whose department is responsible for procurement and who oversees the State Procurement Office. Depriving the counties of a voice on the Board is counter to homerule and erroneously presumes their contributions are irrelevant to the successful functioning of this body.

Given the public attention paid to government procurement, the goal of the State Procurement Code (chapter 103D, Hawaii Revised Statutes) to provide transparency in State and county procurements,

and the public's concern that the Legislature exempts itself from laws requiring its decision-making to be more transparent, such as the Sunshine Law (part I of chapter 92, Hawaii Revised Statutes), this bill is ill-conceived by requiring the Auditor to determine procurement compliance by the State Procurement Office and the executive branch, but not of the judicial and legislative branches.

For the foregoing reasons, I am returning Senate Bill No. 2824 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 573) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 573, transmitting her statement of objections to S.B. No. 2827, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2827

Honorable Members
Twenty-Fourth 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. 2827 entitled "A Bill for an Act Relating to Public Contracts."

The purposes of Senate Bill No. 2827 are to: (1) require written notification to those persons who were considered for, but who were not awarded a professional services contract; (2) require written notification to all offerors who were not selected for award of a contract; (3) require additional information to be posted with the notice of award; and (4) extend the period in which to protest from five working days to seven working days.

Transparency and accountability in the manner in which the State procures goods and services has been one of the hallmarks of my Administration. This bill is objectionable because it would create confusion and subject the State to additional protests and delays in obtaining public goods and services.

First, the bill requires purchasing agencies who solicit bids of \$5,000 or more to notify all parties that they were not selected no later than the day the winning bid is posted. It is common knowledge that most bidders check the postings to see if they were selected. To require the State to notify all non-selected parties could result in some non-selected bidders claiming they were never officially notified, stopping the project award and forcing an investigation of the protest.

Second, my executive memorandum, dated January 20, 2006, and State Procurement Circulars already require information to be posted with the notice of award. This bill makes the new requirements effective immediately.

While there is general agreement that transparency in procurement is desirable, the lack of time provided to prepare for the implementation of these new requirements will create administrative difficulties and likely result in additional procurement challenges. In addition to the immediate administrative burdens on the State procurement office to complete new procurement forms, directives, and circulars, and modify its website, all being necessary to accommodate these new requirements, other agencies would not

know how to proceed until these documents can be issued and the agencies could be trained by the State procurement office.

Further, changes to the statute are not necessary to increase the amount of information posted with the notice of award, and I have instructed the Director of the Department of Accounting and General Services to update our current procedures to maximize available posting data without compromising trade secrets or proprietary information.

For the foregoing reasons, I am returning Senate Bill No. 2827 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 574) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 574, transmitting her statement of objections to S.B. No. 2840, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2840

Honorable Members
Twenty-Fourth 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. 2840, entitled "A Bill for an Act Relating to Self-Sufficiency."

The purpose of this bill is to require the Department of Business, Economic Development and Tourism to establish and update biennially a self-sufficiency standard that reflects, at a minimum, costs relating to housing, food, child care, transportation, health care, clothing and household expenses, federal and state tax obligations, family size, children's ages, geography, and the number of household wage earners.

Each year, the federal government publishes the federal poverty guidelines which states can use for administrative purposes, such as determining financial eligibility for certain federal programs. The federal poverty guidelines are an established, tested measure that provides uniform analysis and application across the 50 states.

This bill is objectionable because it requires the Department of Business, Economic Development, and Tourism to develop an alternative standard without any funding or staff with which to do it. As such, this bill represents an unfunded mandate. In the coming months, State agencies will be forced to focus staff and limited funding on their core mission and goals.

Further, establishing and updating the standard described in this bill could lead to the use of this standard for "official" purposes, creating expectations that the State can raise benefit levels at a time when fiscal constraints limit this ability.

For the foregoing reasons, I am returning Senate Bill No. 2840 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2840, SD 2, HD 1, CD 1, seconded by Representative B. Oshiro.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2840, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SUFFICIENCY," as contained in Gov. Msg. No. 574 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 39: Awana, Belatti, Berg, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 6: Brower, Ching, Finnegan, Marumoto, Meyer and Pine.

Excused, 6: Bertram, McKelvey, Sagum, Saiki, Thielen and Tokioka.

At 4:36 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2840, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 574, had carried.

The following message from the Governor (Gov. Msg. No. 575) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 575, transmitting her statement of objections to S.B. No. 2843, SD 2, HD 3, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2843

Honorable Members
Twenty-Fourth 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. 2843, entitled "A Bill for an Act Relating to Electronic Device Recycling."

The purpose of this bill is to encourage the recycling of certain electronic devices by creating a statewide electronic device recycling program.

This bill is objectionable because it contains an exemption that appears to be unconstitutional. The exemption is found in the bill's definition of "manufacturers." Pursuant to this definition, "persons located in the State who manufacture specialized computers and have sales of no more than one hundred computers per year" are not obligated to comply with the bill nor are they subject to any regulations adopted by the Department of Health's electronic device recycling program. This exemption appears to be unconstitutional for several reasons.

First, the exemption may fail a rational basis test for equal protection under the Fourteenth Amendment to the United States Constitution and Section 5 of Article I of the Hawaii Constitution. The distinction made between in-state and out-of-state manufacturers violates the principle that all persons must be afforded the equal protection of the laws.

Second, the dormant commerce clause, rooted in Section 8 of Article I of the United States Constitution and federal case law,

prohibits states from enacting legislation that would inhibit or interfere with interstate commerce. A law that has the effect of favoring in-state interests over the interests of those who may be out-of-state, places an impermissible burden on the out-of-state interests and is considered protectionist. Here, the exemption for manufacturers who produce fewer than one hundred specialized computers is limited to manufacturers who are "located in the State." Because of the disparate impact on out-of-state manufacturers, this exemption appears to violate the United States Constitution.

The Fourteenth Amendment to the United States Constitution and Section 5 of Article I of the Hawaii Constitution protect the right of every person to receive due process of law. This bill's failure to define "specialized computers" (as distinct from any other kind of computer) renders the exemption for in-state manufacturers void for vagueness. Though this bill only provides administrative penalties and injunctive relief, the ambiguity that surrounds such an important term is significant enough to warrant concern. Without an explicit standard that provides a person of average intelligence enough information to make an informed decision about whether or not he or she qualifies for the exemption, the exemption appears to be unconstitutionally vague.

Additionally, this bill establishes a State-run program that places numerous requirements on manufacturers and retailers that will increase the cost of doing business in our state. While I agree that it is important to encourage proper recycling methods for electronic devices, such as computers, the private sector already provides a number of options to consumers and those options continue to grow. Many manufacturers and industry associations provide extensive information on their websites about where and how to recycle their electronic products. As a result, I do not believe the development of a State-run program is necessary at this time.

For the foregoing reasons, I am returning Senate Bill No. 2843 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2843, SD 2, HD 3, CD 1, seconded by Representative B. Oshiro.

Representative Morita rose in support of the motion to override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker:

"In her statement of objections to Senate Bill 2843, the Governor states that the bill is objectionable because it contains an exemption that may appear to be unconstitutional. Her objection further states that this exemption may fail a rational basis test for the equal protection under the Fourteenth Amendment to the U.S. Constitution and Section 5 of Article I of the Hawaii State Constitution because a distinction is made between in-state and out-of-state manufacturers. However, without citing specific case law that may be on point or clearly demonstrating that the exemption is not rational, the Governor's objection and reasoning are purely speculative.

"The Legislature found a reasonable basis for the exemption of persons located in the State who manufacture specialized computers and have sales of no more than one hundred computers per year because the volume of recyclable electronic waste generated annually by these types of small operations is insignificant to call for regulation at the present time. This exempted type of manufacturing are usually one person operations building highly specialized computers for specific applications, not your typical off the shelf or

self-selected options offered by larger manufacturers to their customers.

"Further, this bill does not inhibit or interfere with interstate commerce, in fact, this measure would likely facilitate out-of-state manufacturers in the gathering of valuable recyclable electronic components to aid the manufacturing of new products through established policy rather than voluntary efforts when the responsibility and burden is placed solely on "good" actors rather than manufacturers as a whole.

"The veto message erroneously describes this measure as a state-run program when, in fact, this bill places the responsibility of electronic recycling on the producers/manufacturers of such products. In the absence of a national e-waste recycling policy, the framework outlined in this measure is being embraced by many manufacturers and industry associations, as well as retail associations as they all seek consistency and conformity state-by-state in a nationwide patchwork of policy in addressing this critical environmental and economic issue.

"Mr. Speaker, I urge this body to override the Governor's veto on this important measure that helps to address a growing solid waste issue that our State faces each day as especially when electronic products reach obsolesce and new electronic products are purchased."

Representative Meyer rose to speak in opposition to the motion to override, stating:

"Mr. Speaker, I'm rising in opposition to this measure. And I would just say for all the reasons that the Governor has enumerated in her message, and a few other reasons."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2843, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC DEVICE RECYCLING," as contained in Gov. Msg. No. 575 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Awana, Belatti, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 3: Finnegan, Meyer and Pine.

Excused, 6: Bertram, McKelvey, Sagum, Saiki, Thielen and Tokioka.

At 4:39 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2843, SD 2, HD 3, CD 1, as contained in Gov. Msg. No. 575, had carried.

The following message from the Governor (Gov. Msg. No. 576) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 576, transmitting her statement of objections to S.B. No. 2867, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2867

Honorable Members
Twenty-Fourth 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. 2867 entitled "A Bill for an Act Relating to the Hawaii Public Procurement Code."

The purposes of Senate Bill No. 2867 are to deter governmental agencies from knowingly including false information or misrepresentations in its solicitations by causing such solicitation to be nullified, and to deter bidders and their subcontractors from knowingly including false information or misrepresentations in their bids by not awarding them the contract and imposing a one-year suspension.

The intent of the bill to penalize those that include false information or misrepresentations in their solicitations is laudable. However, the bill is objectionable because it creates confusion and ambiguity in the State Procurement Code. The implementing provisions are not clearly articulated, are internally inconsistent, and conflict with existing provisions of the State Procurement Code. The resulting confusion will invite protests regarding the meaning and intent of the amendments and cause additional delay in the procurement process. For example, the bill confuses the terms bidder and offeror and references a section of the Procurement Code dealing with contract breaches and tries to apply that section to non-award of a contract. The bill makes false information captured in a bid confidential, but since the false information was the basis for not selecting the firm, it should not be kept secret.

The bill is also objectionable because it creates hardships for governmental bodies soliciting contracts. Under this bill, disgruntled bidders easily could allege that the winning bidder submitted false information or misrepresentations. The allegation will cause the award of the contract to be stayed while the government investigates the allegation. In other situations, the government could avail itself of section 103D-701 and request the chief procurement officer to allow it to proceed with the award because it is necessary to award the contract to protect the substantial interests of the State. However, if the winning bidder is alleged to have submitted false information or misrepresentations, then even were it necessary to award the contract to protect the substantial interests of the State, the government could not proceed.

For the foregoing reasons, I am returning Senate Bill No. 2867 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 577) was announced by the Clerk and the following action was taken:

Gov. Msg. No. 577, transmitting her statement of objections to S.B. No. 2878, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2878

Honorable Members
Twenty-Fourth 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. 2878, entitled "A Bill for an Act Relating to Early Learning."

The purpose of this bill is to help Hawaii's children succeed upon entry into kindergarten by: (1) establishing an early learning system to be known as Keiki First Steps for children from birth until they enter kindergarten; (2) creating the Early Childhood Education Council attached to the Department of Education to develop and administer Keiki First Steps; (3) establishing the Keiki First Steps Grant Program and Keiki First Steps Trust Fund; and (4) statutorily establishing the Pre-Plus Program to promote the development of early learning facilities. Although this bill does not include an appropriation, Act 158, Session Laws of Hawaii 2008, established three positions and appropriated \$250,000 in general funds for the Early Childhood Education Council. This bill is the result of recommendations contained in the report submitted to the Legislature by the Early Learning Educational Task Force established by Act 259, Session Laws of Hawaii 2006.

I have supported early learning opportunities for children and will continue to do so. Most recently, in 2005, I established the Quality Care Program administered by the Department of Human Services. This program provides incentives to providers of childcare services in all settings who adopt quality standards or pursue professional development. Increased funding I approved for the Preschool Open Doors Program beginning in 2005, as part of the Quality Care Program, has enabled 2,240 new children to attend preschool.

This bill is objectionable because it establishes a Council that would have a programmatic impact on early childhood education programs outside of the framework of existing State agencies that are responsible for funding, licensing, and regulating these programs. This bill would vest in a Council the responsibility for developing and administering an early learning system with the authority to hire staff, expend State funds without appropriation or allotment, establish policies and procedures that impact State programs, expand these programs without regard to potential fiscal implications on other State programs, develop standards that would have to be enforced by other public entities, release data without seeking the approval of State organizations, and recommend the apportionment of State monies.

The powers vested in this Council could adversely impact the ability of the Department of Human Services to license, fund, regulate, and terminate early childhood education programs as provided for in Chapter 346, Hawaii Revised Statutes.

Further, I remain concerned that this bill anticipates a program with substantial, indeterminate costs. Cost models prepared by the Act 259 Task Force projected full implementation of a Keiki First Steps program for four-year-old children in the range of \$144 million to \$170 million. The Task Force is to be commended for undertaking the work necessary to make these estimates. However, they also reveal the challenges that launching such a program would pose, given the current and anticipated fiscal outlook for the State.

Although I cannot approve this bill at this time, we can continue the progress. I propose to establish an Early Childhood Education Council via an executive order to continue the work of the Act 259 task force. Recognizing the revised revenue projections for the State, the Council will have the opportunity to focus on the efficient use of existing resources, including the Quality Care and Preschool Open Doors Program; recommend enhancements to existing programs; and assist in the identification of additional funding opportunities, including maximizing the draw-down of federal revenues to which the State is entitled.

For the foregoing reason, I am returning Senate Bill No. 2878 without my approval.

Respectfully,

/s/
LINDA LINGLE
Governor of Hawaii"

Representative Caldwell moved to override the veto of S.B. No. 2878, SD 2, HD 2, CD 1, seconded by Representative B. Oshiro.

Representative Takumi rose to speak in support of the motion to override, stating:

"Thank you very much, Mr. Speaker. In support of the override. First of all, let me express my appreciation for this measure. You know, when this House bill was introduced, there were 48 co-sponsors as you recall, and then on Final Reading this bill passed unanimously on the Floor. And this should not be surprising, after all back in September 2004, Linda Smith, Governor Lingle's Senior Policy Advisor said that the Governor feels that early childhood education is an area that has bipartisan support. I totally agree, and the votes on this bill throughout the Session reflect that bipartisanship.

"But now we have the veto. Suffice it to say Mr. Speaker, I'm a bit baffled, puzzled, flabbergasted, confused, chagrined, perplexed, mystified, bewildered, bemused ... In the interest of time, I'll stop. You get the point. I'd like permission to enter written remarks into the Journal to respond to the concerns raised by the Governor.

"Let me close Mr. Speaker, by saying that, it's not right that only those who can afford preschool education in our State have access to it. About four years ago, a well-known political leader, when asked about the high cost of preschool in Hawaii, said, 'That's just not fair. It's not fair to the children or the parents.' And I agree with that leader. Governor Lingle was correct. It's not fair. It's not right. Let's do what's fair. Let's do what's right. Let's start 'Keiki First Steps.' Thank you very much, Mr. Speaker."

Representative Takumi's written remarks are as follows:

"The Governor cited several concerns with the bill. Let me address them.

"First, she finds the bill objectionable because the Early Learning Council "would have a programmatic impact on early childhood programs outside of the framework of existing State agencies."

"Actually, this is the whole point of the bill. The current "system" is not a system at all but a hodgepodge of agencies, programs and providers. The intent is to establish a cohesive, comprehensive, and sustainable system.

"Second, she raises concerns that the Early Learning Council (ELC) would have too much authority since it would be able to hire staff, establish policies and procedures, and develop standards.

"How is that any different than other commissions such as the Land Use Commission, Water Commission, and the Public Utilities Commission? Indeed, how is this any different from the Charter School Review Panel that the governor supports?

"Third, she raises concerns that the ELC could adversely impact the authority of the Department of Human Services in its current responsibilities regarding childcare facilities.

"We worked closely with the Governor's policy office to address this concern. Indeed, in the Committee Report, it specifically states that "DHS should be allowed to continue administering existing child care programs that are funded with State general funds and federal funds."

"I also asked the Office of the Attorney General to review the bill to ensure that no such language existed and they could not find anything that would adversely impact DHS. To say that the measure

"could adversely impact" DHS is mere innuendo and conjecture with no specifics.

"Lastly, concerns were raised about the cost of the Keiki First Steps program. She uses the cost model posed by the Act 259 Task Force that projected a program cost of up to \$170 million.

"This is a cost model and not a funding model which are very different. A cost model estimates what it would take to run a universal preschool system. A funding model is what it would cost the State in general funds. A cost model takes into account the many revenue streams that are available: federal, private, fees, etc.

"Also, we all know that cost projections are just that: projections. The Keiki First Steps program is premised upon establishing a high quality early learning system for the state and funding the program as the resources of the State allows.

"One example of this approach is the State of Arkansas, which funded their program for a number of years at a modest level of \$2 million a year. As their economy improved and the results showed the effectiveness of their program, they now fund it at \$90 million a year.

"The concerns of the Governor are insignificant when compared to the benefits of implementing a high quality preschool program."

Representative Ching rose to speak in support of the motion to override, stating:

"Thank you Mr. Speaker, in strong support. I've always felt that early education is the beginning of a child's life, whether they're going to succeed or not. And I just wanted to add that 'an ounce of prevention is worth a pound of cures,' what they say in medicine. But it's also true in education. And I ask for additional written remarks in the Journal."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the override.

"As a State legislator who has spent a considerable amount of time in the field of education and as a mother of a preschooler, I strongly express my support for the adoption Senate Bill 2878 - Relating to Early Education and the Creation of the Early Learning Council.

"Early education is an integral component towards solving so many of the issues that challenge us today. As it is said in regards to medicine, "An ounce of prevention is worth a pound of cure". This could also be said of early education. I believe Senate Bill 2878 to be fiscally prudent. Despite the estimated \$170 million price tag, this cost is drawn out over a decade long period, and this program includes existing funding, as well as potential private and untapped federal funding. This represents a potentially large reduction in the State funding required for this program. However, without the authorization and creation of the Early Learning Council, Hawaii could not even qualify for potential federal funding.

"The time is now to move ahead and take first steps to ensure that our families have the opportunity to help their children pursue healthy and productive lives. Thank you, Mr. Speaker."

Representative Meyer rose to speak in support of the motion to override with reservations, stating:

"Mr. Speaker, I'm rising with strong reservations on this measure. When the Chairman of education said, it's not right that these parents who don't have the means, that they can't send their children to preschool; it was just a few years ago that we passed a measure that puts \$25 million into the Department of Human Services' budget for vouchers for help for children to go to preschool, to establish rigorous standards for the school. Now, \$25 million is not something

to sneeze at. I think there are a lot of families that have been taking advantage of this.

"I believe there are some problems with the Commission that's been created here. These are not elected officials. This bill as it's drafted now gives them a great deal of power. They don't seem to have any particular accountability. I realize that this group of people, it depends on who's in there as to the makeup. Right now the Department of Human Services regulates preschools. This bill is going to move everything over to the DOE. It would be hard to say that the DOE is just doing the phenomenal job in every area. We still lag in the country. We don't have the greatest results on standardized tests. And this is moving towards putting, not just K through 12, but we're going to go practically from birth to high school graduation, under a department that has a great deal of difficulty monitoring what they have now. So those are some of my real concerns.

"Had we had more time and knew what bills you were going to pull up here, I could have decent remarks put together. The fact that you folks came out here without even letting us know you were going to start up, I think we could do a lot better in the communication area. While we are the Minority, and there are only 7 of us. We are equals to ..."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. I don't believe she's talking about this bill at this point."

The Chair responded, stating:

"Representative Meyer, could you confine your remarks to the measure that is before you."

Representative Meyer responded, stating:

"I am only bringing that up because we are at a disadvantage to argue on these bills."

Speaker Say: "Representative Meyer, you have your opportunity at the Announcements if you are disgruntled with the way this House has operated today."

Representative Meyer: "We simply would like to be treated as equals. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the motion to override with reservations, stating:

"Yes, Mr. Speaker. I will be in support of this bill, with very much, a lot of the concerns that the Governor has stated in her veto message, but I do want to say a few remarks. You know, from the Chair of Education in the House, he basically, in some of his comments, is saying that he's confused about the Governor's stance on preschool education. And I want to just clarify, and I will not use a thesaurus to be able to do that.

"But I want to clarify that she's been very, very supportive of this movement. She even says, with some of these concerns that she has, that she even wants to, by Executive Order, be able to put that workgroup and continue that work for the future. So it's not like she doesn't want to do some of this work.

"I want to also clarify that since 2006, it's not \$25 million. It's \$25 million per year that has gone into this early education movement that we all agreed with.

"There is a risk that is involved in regards to, not only the accountability, but the ability to have this tremendous amount of statutory authority in this bill that is given to the Council. And it should worry us. But I'm willing to take that risk because it is an important issue. But make no mistake that there are some concerns that should be noted in regards to this bill. A lot of work has been

done in regards to using that \$25 million per year. With \$75 million, 2,200 *keiki* of Hawaii are getting more. They are getting preschool education because of it.

"So I do not think that her comments in regards to support of preschool education are incongruent with this veto message. It's just a different way of implementation, of getting education to those kids. Thank you Mr. Speaker."

Representative Takumi rose to respond, stating:

"Thank you very much, Mr. Speaker. Just a brief rebuttal. I used all the adjectives already, but the point being that, as far as the Governor creating another task force by Executive Order, Mr. Speaker, Governors, Legislators, department heads, come and go. Sad fact of life perhaps. By putting it in statute Mr. Speaker, we put this early learning system into law, and basically say we believe it's so important that it ought to go past any Administration, any legislative body, any department head.

"As far as the authority goes, this Early Learning Council has actually less power and authority than the Land Use Commission, than the Water Commission, than the Public Utilities Commission. I don't see anyone urging that we repeal all these Commissions that have far-reaching authority. Frankly Mr. Speaker, this Early Learning Council has less authority than the Charter School Review Panel which we created, and which the Governor supports.

"So again, I'm just a little confused as to why there are some concerns about this, and there wasn't that equivalent concern about existing commissions or the Charter School Review Panel that we created two years ago. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in support of the motion to override with reservations, stating:

"Thank you, Mr. Speaker. I will be voting for this measure with reservations, but my reservations are very well expressed in the veto message. I think it bears repeating. The Governor's message says:

This bill is objectionable because it establishes a Council that would have a programmatic impact on early childhood education programs outside of the framework of existing State agencies that are responsible for funding, licensing, and regulating these programs. This bill would vest in a Council the responsibility for developing and administering an early learning system with the authority to hire staff, expend State funds without appropriation or allotment, establish policies and procedures that impact State programs, expand these programs without regard to potential fiscal implications on other State programs, develop standards that would have to be enforced by other public entities, release data without seeking the approval of State organizations, and recommend the apportionment of State monies.

"It would seem to me that this Legislature is giving away some power in the particular case. Further, the last concern the Governor had is that this program might cost in the range of \$170 million. So if we have that kind of money for a new program, well and good. I think it's a worthy subject, but I do have reservations. I think we should watch this and act on it next year. Thank you."

Representative Berg rose to speak in support of the motion to override, stating:

"Thank you, Mr. Speaker. And I apologize for my voice. I rise in support of this and urge my colleagues who may have some questions or reservations to actually read the bill, because I believe the fears of the Department of Human Services Director are coming out in the Governor's message.

"If you take what the Governor says, a contradiction, the cost model is not a funding model. And the cost model did not take into account the current funding sources. And I believe such a measure as

we're about to pass would provide coherence, congruence, and integration of existing services. If we do not pass this legislation, national organizations which are standing by, including the federal funding proposed by Congresswoman Hirono will be in jeopardy.

"And rest assured the concerns from my colleague, the Kamehameha Schools and the two Castle Foundations have already committed three years of funding for their Early Learning Council, which is an extension and a more sophisticated version of the already existing interdepartmental council. So all the Executive department directors are members of this, and we can reassure you that four years of work on this will not be in vain. Thank you."

Representative Cabanilla rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. Even though I am voting yes on this bill, I give a brief rebuttal to the Chair of Education. In the last four years, this has been an idea that I'm willing to move forward with. In the last three years, the Governor has committed \$75 million, for an additional 2,200 slots for *keiki*, preschool education. We, in this bill, committed and appropriated \$250,000 from our general fund. So if you want to compare, when it comes down to the meat of what has been actually allocated and committed towards early childhood education, there's a lot that the Governor has committed to. And that's the point that I'm trying to make. Just because she is vetoing this bill because she doesn't like this particular idea, does not make it incongruent with her support for early education. Thank you, Mr. Speaker."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2878, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," as contained in Gov. Msg. No. 577 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Awana, Belatti, Berg, Brower, Caldwell, Carroll, Chang, Ching, Chong, Evans, Finnegan, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, Meyer, Mizuno, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 1: Cabanilla.

Excused, 6: Bertram, McKelvey, Sagum, Saiki, Thielen and Tokioka.

At 4:55 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2878, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 577, had carried.

The following message from the Governor (Gov. Msg. No. 578) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 578, transmitting her statement of objections to S.B. No. 2933, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2933

Honorable Members
Twenty-Fourth 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. 2933, entitled "A Bill for an Act Relating to Household Energy Demand."

The purpose of this bill is to prevent contracts and other binding agreements from precluding the erecting of clotheslines on the premises of single-family residences or townhouses.

I agree that Hawaii residents should consider using clotheslines as an alternative to electric dryers. This is a simple and easy way to lower individual energy costs and help the environment. However, this bill is objectionable because the proper way to promote this practice is through advertising and public education campaigns, not government regulation.

Homeowners who choose to buy a home or townhouse in a neighborhood governed by a community association do so for a reason - they want to live in a community that provides and protects their property values. These homeowners often pay more for this option and, upon purchase, agree to abide by specific covenants and rules that regulate certain activities, such as the number of cars that can be parked on the street, the color of the paint on their house, and the use or placement of objects in their yards. This bill unnecessarily invalidates homeowners' contracts and inserts government regulation into a local, community matter.

If those living in community associations determine they want change, they can and should work within their individual associations to find solutions that are tailored to their individual community needs. This bill provides a one-size-fits-all approach that is unnecessary and unfair to certain homeowners in Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 2933 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 579) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 579, transmitting her statement of objections to S.B. No. 3252, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3252

Honorable Members
Twenty-Fourth 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. 3252, entitled "A Bill for an Act Relating to Teachers."

The purpose of this bill is to appropriate out of the general fund \$300,000 to the Department of Education to assist teachers with preparatory courses, tutorials, or programs for PRAXIS examinations and to establish four professional development schools in Department of Education public schools.

This bill is objectionable because the Department of Education currently receives State and federal funding to support teacher recruitment, retention, and to meet the highly qualified teacher requirements of the No Child Left Behind Act. According to the most

recently available fiscal reports, the Department receives about \$30.1 million in federal funds for teacher quality development under No Child Left Behind.

The College of Education at the University of Hawaii is responsible for graduating students who are fully qualified to teach in our school system.

Additionally, money in this measure falls outside of the budget act and is not within the State's six-year balanced budget plan.

For the foregoing reason, I am returning Senate Bill No. 3252 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

END OF CALENDAR

Gov. Msg. No. 560 and S.B. No. 2262, SD 1, HD 2, CD 2:

Representative Caldwell moved to override the veto of S.B. No. 2262, SD 1, HD 2, CD 2, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the motion to override with reservations, stating:

"Mr. Speaker, I am rising in support with reservations. Mr. Speaker, I do want to mention that throughout this whole Session, and previously, I've always had a concern on this bill.

"I've always had concerns in regards to retirees transferring into the VEBA and leaving some retirees to the EUTF. I've always had concerns on how this would affect other employees and their health benefits and their costs, and the cost to the State. So that has always been a major concern. If I recall correctly, on almost every Reading I've been mentioning that, at every single Reading. The only reason why I am in support with reservations is that this is a measure where hopefully we can establish proof on whether or not this third party will be able to determine the facts in regards to both comparing the VEBA and the EUTF. And that's the only reason why I am supporting it with reservations.

"I am going to also make this statement that just says, no more extensions on this. If this does not happen in regards to whether or not we get a third party review, we cannot linger in this place anymore. We have to make a decision on whether or not we fully implement it and keep it as it is, or keep the EUTF as a whole."

Representative Meyer rose in support of the motion to override with reservations, and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Mizuno rose in support of the motion to override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Mizuno's written remarks are as follows:

"I rise in support of a veto override for SB 2262. HSTA Member Benefits Corporation has reported that the HSTA VEBA Trust has saved the State of Hawaii \$1,258,840.21 via a refund for the contract period March 1, 2006 to June 30, 2006. Moreover, the VEBA Trust is accountable to the federal government for its expenditures and requires full disclosure on how funds are used. This Trust also allows for a smaller pool of members to allow a number of health insurance carriers to submit bids to be the carrier. This competition will allow the VEBA Trust to negotiate a better premium and greater benefits to its members.

"For the foregoing reasons, I support the veto override for SB 2262."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2262, SD 1, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," as contained in Gov. Msg. No. 560 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Awana, Belatti, Berg, Brower, Caldwell, Carroll, Chang, Ching, Chong, Evans, Finnegan, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, Meyer, Mizuno, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Noes, 1: Cabanilla.

Excused, 7: Bertram, McKelvey, Morita, Sagum, Saiki, Thielen and Tokioka.

At 5:00 o'clock p.m., the Chair noted that the motion to override the veto of S.B. No. 2262, SD 1, HD 2, CD 2, as contained in Gov. Msg. No. 560, had carried.

S.B. No. 2830, SD 2, HD 2, CD 1:

Gov. Msg. No. 535 was taken from the Clerk's desk and the following action taken:

Representative Caldwell moved to override the line-item veto of the appropriation in S.B. No. 2830, SD 2, HD 2, CD 1, seconded by Representative B. Oshiro.

At this time the Chair called for a roll call vote and the motion to override the line-item veto of the appropriation in S.B. No. 2830, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," as contained in Gov. Msg. No. 535 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Awana, Belatti, Berg, Brower, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Finnegan, Green, Hanohano, Har, Herkes, Ito, Karamatsu, Lee, Luke, Magaoay, Manahan, Marumoto, Meyer, Mizuno, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Ward, Waters, Yamane and Yamashita.

Excused, 7: Bertram, McKelvey, Morita, Sagum, Saiki, Thielen and Tokioka.

At 5:03 o'clock p.m., the Chair noted that the motion to override the line-item veto of the appropriation in S.B. No. 2830, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 535, had carried.

At this time, the Chair announced:

"Members, please refer back to your Order of the Day. For those who need to leave at this point for your particular community meetings and flight home, you may do so."

ORDER OF THE DAY

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 74 through 77) were received by the Clerk and were placed on file:

Dept. Com. No. 74, dated May 6, 2008, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their corrected version of the 2007 Annual Report.

Dept. Com. No. 75, dated May 8, 2008, from Lillian B. Koller, Director, Department of Human Services, transmitting their revised report of the Department of Human Services' Report as required by S.C.R. 220, S.D. 1, adopted by the 2007 Hawaii State Legislature, transmitted on January 25, 2008.

Dept. Com. No. 76, dated May 8, 2008, from Lillian B. Koller, Director, Department of Human Services, informing that the attachment for the Department of Human Services' Report to the Legislature as required by Act 213, Part III, Section 54, SLH 2007, was not included in the original transmittal and transmitting a copy of the report with the attachment.

Dept. Com. No. 77, dated June 23, 2008, from David McClain, President, University of Hawai'i System, transmitting the Final Report on the Needs of the Pacific Islanders in Hawai'i (House Concurrent Resolution 129 SD 1, 2007).

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 5 and 6) were received by the Clerk and were placed on file:

Misc. Com. No. 5, from BJ Penn, Department of the Navy, acknowledging receipt of House Concurrent Resolution No. 194, S.D. 1.

Misc. Com. No. 6, dated June 16, 2008, from James E. Cartwright, General, United States Marine Corps, acknowledging receipt of House Concurrent Resolution No. 194.

ORDER OF THE DAY**INTRODUCTION OF RESOLUTIONS**

The following resolutions (H.R. Nos. 1 through 3) were announced by the Clerk and the following action taken:

H.R. No. 1 entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 1st LEGISLATIVE DAY," was offered by Representative Say.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.R. No. 1 was carried with Representatives Awana, Bertram, Carroll, Luke, Manahan, McKelvey, Morita, Sagum, Saiki, Takamine, Thielen and Tokioka being excused.

H.R. No. 2 entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 2008, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES," was offered by Representative Say.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.R. No. 2 was carried with Representatives Awana, Bertram, Carroll, Luke, Manahan,

McKelvey, Morita, Sagum, Saiki, Shimabukuro, Takamine, Thielen and Tokioka being excused.

At 5:05 o'clock p.m., Representative Caldwell requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:06 o'clock p.m.

H.R. No. 3 entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was offered by Representative Say.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.R. No. 3 was carried with Representatives Awana, Bertram, Carroll, Luke, Manahan, McKelvey, Morita, Sagum, Saiki, Takamine, Thielen and Tokioka being excused.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, as is the tradition of this House, those who are leaving and not returning will have a farewell address. Adjacent to my district is a gentleman who is leaving, that side of Makapu'u Point and thereafter. He however had a prayer at the beginning and I just wondered if he had anything else to say after that soliloquy. Our colleague Representative Tommy Waters."

Representative Herkes: "Thank you, Mr. Speaker. I'm delighted that the Representative from Maui was able to join us today, and I think he's got a great new hairdo."

Representative Waters: "Thank you, Mr. Speaker. I just want to let you all know that I prepared a speech. I actually wrote it down in my own handwriting. I want to share with you that I thoroughly enjoyed my six years here. The stress, the laughs, the losses, the victories, all combined it's been such a wonderful, wonderful experience, and I'm really going to miss it, I am.

"I want to especially thank you Mr. Speaker, for giving me the opportunity to serve as your Chair on Higher Education, as well as most recently, Judiciary. I also want to thank the members of the Committee. I'm humbled by your trust and faith in me over these past two years, because it hasn't been easy.

"I also want to share with you a story. It was seven years ago when I was a deputy public defender representing indigent defendants, and a young stud attorney law student came in and second-chaired me in a trial. And after the trial, which we won, it was a jury trial, I asked him, 'So what are you going to do with your life? You want to come join us at the Public Defenders?' and he says, 'Hell no. I'm running for office.' And I thought to myself, 'Geez, I kinda wanna run for office too.' And he said, 'Well, why don't you?' And through his help and support, we both won. And I have much aloha for you, Representative Nishimoto, for that. Thank you. My wife doesn't have the same aloha, by the way.

"I also want to thank my constituents, because I have the honor of representing the most beautiful district in the State of Hawaii. I know some of you will disagree, but it is absolutely beautiful. The pounding surf of Makapu'u, the cascading cliffs of the Ko'olau, the calm beaches of Lanikai. And it really is beautiful. And I'm also humbled by that experience.

"Now my friend from the Big Island, from the Volcano area, will disagree with me, but I have the pleasure of representing the biggest district in the State of Hawaii. Now he may have the largest land area, but my district extended all the way out to the Northwestern Hawaiian Islands. I represented Necker, Nihoa, Rabbit Island, the Mokulua Island, Midway Atoll. Unfortunately I wasn't able to

canvas those areas when I was running for election, but it is the biggest and the most beautiful.

"To quote old friend, Representative Mike Kahikina, I would be remiss if I did not thank my office staff, Amy Luke and Mandie Pearson for their 80-hour work weeks. The Chief Clerk Pat Mau-Shimizu and CJ Leong, and your staff; thank you. The Sergeant-at-Arms Kevin Kuroda and Lon Paresa, and their staff; thank you. HMSO Linda Oamilda, Mr. Dvotch and Mr. Funaki, thank you all. LRB, Ken Takayama, Charlotte Yamaguchi, Eric Maehara and Ted Baker, thank you for all your hard work. The Finance staff, Nan, Eric, Mike and others, all of your work has not gone unnoticed. Thank you folks in the Speaker's Office as well. Thank you, very much. You guys are the life blood of this place, and I will miss you folks the most.

"However, I have to make special notice of my former neighbor on the Fourth Floor. You've been a mentor, a leader, and a good friend. And I especially will miss our late night work sessions. I have to say thank you for my community, because without you, I don't think I would have accomplished as much as I have. Thank you.

"Lastly, I'd like to thank my wife for her patience and understanding, because without her, really I would never have had the opportunity to fulfill my dream, really, of being a member of this House of Representatives. I'm very honored to have served with each and every one of you. Mahalo."

Representative Pine: "Yes, Mr. Speaker. In rebuttal. Well, I personally take great umbrage in the Chair of Judiciary retiring so soon. Because I swear he told me at the end of Session that he was going to pass all my bills next year. Marcus Oshiro tells me that every year.

"As many of you know, no two people could be so different in how we look at a particular issue, and that is the crime issue. And I have to say that Representative Waters and I, we would sit across the table privately and completely disagree with what each other said, but he definitely gave me respect. I'm just mad because I think I was so close to convincing him that I'm always right, but that's not going to happen.

"We wish you the very best. I'm going to miss our late sessions of working, but I think you're doing the right thing for your family, and they're very lucky to have you. I just know that you'll be back someday, because you're going to have that political itch very soon, I know it. Thank you for everything."

Representative Ito: "Thank you, Mr. Speaker. Tommy Waters, you are one of the most promising young leaders from the Windward side. I think we are all going to miss your humor, and calm and casual demeanor. I will personally miss you, Tommy, and your wise counsel. We all wish you good luck with your professional life, and please, take care of your family. That's number one.

"I know that you will return someday to public life, Tommy, and when you do, please make it soon, because I want to be there to campaign and vote for you. On behalf of the House, the Members, and staff, I want to present you with this gavel. I'll be right over there. Thank you."

Speaker Say: "Members of the House, if there are no further announcements, the Chair has a very short announcement to make. Once again, thank you very much for your patience, and your diligence, in going through what we have gone through today.

"And secondly, to the staff who have been working so hard and tirelessly for this body, thank you very much. From the Chief Clerk's Office, to the Sergeant-at-Arms, to the House Majority Staff Office, and also the House Minority Staff Office.

"I did call Mr. Akase last week to say that we may be going in, I made my communication. If there are errors at this particular process,

and how this Special Session was done, I would love to sit down with some of you who are disgruntled about the process that occurred. But this is the legislative process; a Special Session that is convened in one day.

"So in closing to all of you, best wishes on your election. I hope to see you all back here next year."

ADJOURNMENT

Representative Caldwell moved that the House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Special Session of 2008, adjourn sine die, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and at 5:16 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the State of Hawaii, Special Session of 2008, adjourned sine die. (Representatives Awana, Bertram, Carroll, Luke, Manahan, McKelvey, Morita, Sagum, Saiki, Takamine, Thielen and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated July 8, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered the following House Bills, heretofore vetoed as set forth in Governor's Messages dated July 8, 2008, and approved said bills by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, is entitled:

H.B. No. 2250, HD 1
 H.B. No. 2761, HD 1, SD 1, CD 1
 H.B. No. 2843, HD 2, SD 2, CD 1
 S.B. No. 156, SD 2, HD 2, CD 1
 S.B. No. 2262, SD 1, HD 2, CD 2
 S.B. No. 2263, SD 2, HD 1
 S.B. No. 2345, SD 1, HD 1, CD 1
 S.B. No. 2542, SD 2, HD 2, CD 1
 S.B. No. 2668, SD 2, HD 1, CD 1
 S.B. No. 2803, SD 1, HD 1, CD 1
 S.B. No. 2830, SD 2, HD 2, CD 1 [*sic* vetoed July 7, 2008]
 S.B. No. 2840, SD 2, HD 1, CD 1
 S.B. No. 2843, SD 2, HD 3, CD 1
 S.B. No. 2878, SD 2, HD 2, CD 1

House Communication dated July 8, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2250, HD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of House Bill No. 2250, HD 1, designated as Act 1 of the Twenty-fourth Legislature of the State of Hawaii, Special Session of 2008, was enclosed.

House Communication dated July 8, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2761, HD 1, SD1, CD1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill

by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of House Bill No. 2761, HD 1, SD1, CD1, designated as Act 2 of the Twenty-fourth Legislature of the State of Hawaii, Special Session of 2008, was enclosed.

House Communication dated July 8, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2843, HD 2, SD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of House Bill No. 2843, HD 2, SD 2, CD 1, designated as Act 3 of the Twenty-fourth Legislature of the State of Hawaii, Special Session of 2008, was enclosed.

OTHER COMMUNICATIONS

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 156, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 156, SD 2, HD 2, CD 1, designated as Act 4 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2262, SD 1, HD 2, CD 2, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2262, SD 1, HD 2, CD 2, designated as Act 5 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2263, SD 2, HD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2263, SD 2, HD 1, designated as Act 6 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2345, SD 1, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2345, SD 1, HD 1, CD 1, designated as Act 7 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2542, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2542, SD 2, HD 2, CD 1, designated as Act 8 of the 2008 Special Session, was enclosed.

Senate Communication dated July 8, 2008, from Carol Taniguchi, Chief Clerk of the Senate, to the Honorable Governor Linda Lingle, transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2668, SD 2, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2668, SD 2, HD 1, CD 1, designated as Act 9 of the 2008 Special Session, was enclosed.

Senate Communication dated July 8, 2008, from Carol Taniguchi, Chief Clerk of the Senate, to the Honorable Governor Linda Lingle, transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2803, SD 1, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2803, SD 1, HD 1, CD 1, designated as Act 10 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2830, SD 2, HD 2, CD 1, heretofore line item vetoed as set forth in a Governor's Message dated July 7, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2830, SD 2, HD 2, CD 1, designated as Act 11 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2840, SD 2, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2840, SD 2, HD 1, CD 1, designated as Act 12 of the 2008 Special Session, was enclosed.

Senate Communication dated transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2843, SD 2, HD 3, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2843, SD 2, HD 3, CD 1, designated as Act 13 of the 2008 Special Session, was enclosed.

Senate Communication transmitting a copy of the document certifying that on July 8, 2008, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2878, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 8, 2008, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2878, SD 2, HD 2, CD 1, designated as Act 14 of the 2008 Special Session, was enclosed.

GOVERNOR'S MESSAGES RECEIVED AFTER ADJOURNMENT OF
THE 2008 SPECIAL SESSION SINE DIE

Gov. Msg. No. 580, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2727 HD2 SD1 CD1

On July 8, 2008, House Bill No. 2727, entitled "A Bill for an Act Relating to Health Insurance" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to create a temporary Autism Spectrum Disorder Benefits and Coverage Task Force.

Although I understand why this measure is being proposed, this bill is premature. Senate Concurrent Resolution No. 196, which passed both the House and the Senate, requires the Auditor to submit a report on the impact of mandating coverage of the diagnosis and treatment of autism spectrum disorders for all policies and contracts, hospital and medical service plan contracts, medical service corporation contracts, and health maintenance organization plans and contracts issued after December 31, 2008. House Bill No. 2727 appears to unnecessarily duplicate the request to the Auditor in Senate Concurrent Resolution No. 196.

Furthermore, the proposed composition of the Task Force does not have the diversity of perspective provided by experts in the field, such as doctors or insurance analysts, necessary to facilitate thoughtful discussion on the subject matter.

For the foregoing reasons, I allowed House Bill No. 2727 to become law as Act 221, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 581, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2449 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 2449, entitled "A Bill for an Act Relating to Education" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to repeal the two-consecutive-year probationary period for first time Department of Education teachers, vice-principals, and principals.

The current contract between the Hawaii State Teachers Association and the State of Hawaii stipulates that newly employed teachers are subject to one year of probationary status. This provision conflicts with current law, which requires first time teachers, vice-principals, and principals to complete a two-year probationary period. This conflict is problematic because the Hawaii Supreme Court has ruled that "Compliance with statutes is non-negotiable and collective bargaining agreements that prevent the government agency from complying with its statutory duties are unenforceable as against public policy." In other words, the current one-year probationary

period in the collective bargaining agreement is arguably unenforceable because it is not consistent with the law.

Repealing the two-year statutory probationary period will resolve this conflict. My Administration has held the position that the length of a probationary period is a matter to be determined by management and should not be subject to negotiation. However, we recognize that the Department of Education negotiated the one year probationary period with the teachers union.

For the foregoing reasons, I allowed Senate Bill No. 2449 to become law as Act 222, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 582, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2872 SD2 CD2

On July 8, 2008, House Bill No. 2872, entitled "A Bill for an Act Relating to Public Lands" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the Board of Land and Natural Resources to issue new twenty-year leases to existing lessees or permittees at locations in State parks or State forest reserves on islands with a population of less than 100,000. Although nominally cast in general terms, the bill has applicability only in State parks at Koke'e and Waimea Canyon on Kauai and was specifically tailored to that situation. Previous twenty-year leases there expired. The former lessees now occupy the premises pursuant to revocable permits.

I have received many petitions arguing that it is unfair for the previous lessees to monopolize the opportunity to lease these unique properties. I understand these concerns and have weighed them heavily in my deliberations on this measure. This bill recognizes that if the existing lessee does not accept the State's new market-based lease offer, the property should be auctioned with a preference given to those who are full-time residents of this state. As such, this bill attempts to balance the interests of the taxpayers, current lessees, and other interested parties. For the foregoing reasons, I allowed House Bill No. 2872 to become law as Act 223, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 583, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3255 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 3255, entitled "A Bill for an Act Relating to Long Term Care" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purposes of this bill are to establish long term care goals and implementation options and appropriates \$100,000 in funding for a long term care commission.

Although establishing a commission to improve and strengthen the State's long-term care system has merit, the Legislature, private sector, and non-profits have already created numerous task forces and working groups to address this issue. I am concerned that this commission will duplicate existing efforts and could consume valuable time and resources.

The long-term crisis is upon us. Rather than creating another commission to study the issue and identify goals, we should seek immediate solutions that will help people in need. I will encourage my appointees on this commission to focus on cost-effective and practical solutions to address the provision of long term care in Hawaii.

Additionally, because the funds contained within this bill fall outside the State's six-year balanced budget plan, I will instruct the Department of Budget and Finance to restrict these funds and would encourage the commission to seek private donations to carry out its mandate.

For the foregoing reasons, I allowed Senate Bill No. 3255 to become law as Act 224, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 584, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2833 SD1 HD1 CDI

On July 8, 2008, Senate Bill No. 2833, entitled "A Bill for an Act Relating to Sustainability" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the University of Hawaii's College of Social Sciences Public Policy Center to review the Hawaii 2050 Sustainability Plan, create benchmarks for each of the goals in the plan, and report its findings and recommendations to the Legislature.

Since its inception, my Administration has raised concerns about the usefulness of the Hawaii 2050 Sustainability Plan. Rather than engaging in extended planning exercises, my Administration has focused on developing and implementing specific projects with bold, definable outcomes that will impact Hawaii today, tomorrow, and over the next 50 years.

Two years and \$1.7 million dollars of State funds have already been spent by the Legislature on the Hawaii 2050 Sustainability Plan. This bill will require the University to spend additional time and resources on the plan, despite the fact that the Legislature gave the University no funding with which to conduct a review of its contents. I remain concerned that this bill continues the discussion – rather than implements actions now – that are needed to transform our economy.

For the foregoing reasons, I allowed Senate Bill No. 2833 to become law as Act 225, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 585, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2365 SD1 HD1 CDI

On July 8, 2008, Senate Bill No. 2365, entitled "A Bill for an Act Relating to Transportation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to extend the existing \$3 per day surcharge on rental vehicles until 2011 as a revenue source for the State Highway Fund. This bill would also impose, starting September 1, 2008, an additional \$1 daily surcharge on all u-drive rentals to finance the planning, design, and construction of consolidated rental car facilities at our state airports.

The facilities being considered are similar to consolidated rental car structures built at airports on the mainland. They provide a single location for travelers to rent a car of their choice and eliminate the need for multiple pick-up and delivery vans from individual rental car companies. As such, this bill has merit.

This Administration remains concerned about the fiscal impact of levying an additional charge on rental cars, a burden that will fall heaviest on the visitor industry. The fee would cost an additional \$16 million per year and comes at a time when the State is trying to encourage and support visitors arrivals, not make it more costly to visit Hawaii. As such, the imposition of this fee runs counter to other public policies supported by the Hawaii Tourism Authority and the visitor industry.

For the foregoing reasons, I allowed Senate Bill No. 2365 to become law as Act 226, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 586, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2314 SD1 HD2 CDI

On July 8, 2008, Senate Bill No. 2314, entitled "A Bill for an Act Relating to Insurance" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow certain health insurers with less than five percent of the market share to bundle different types of benefits into a single unified policy by exempting such actions from the anti-tying provision in section 431:13-103(a)(4)(B), Hawaii Revised Statutes. The bill also requires the State Auditor to perform an analysis of the effects of this bill and submit a report to the Legislature no later than 20 days prior to the 2010 regular session.

In providing a limited exemption from the anti-tying law, this bill ostensibly seeks to enhance the ability of smaller insurers to offer broader health insurance options at a lower cost to certain types of customers, such as sole proprietors and small businesses. Although this is a laudable goal, this bill raises concerns because it ties the purchase of health insurance to the purchase of contracts for dental, vision, drug, and life insurance.

Under the anti-bundling provision of the Insurance Code, insurers are prohibited from requiring a consumer to buy two or more policies when the consumer only wishes to purchase one policy. However, this bill changes that provision and allows certain health insurers to package one insurance product as a prerequisite for buying another.

This bill limits the anti-bundling exception to certain health insurers with less than five percent of the market share, thus limiting the impact on consumer choice. Although this bill may assist sole proprietors and others in obtaining health care coverage, who might not otherwise be able to obtain such coverage, minimizing the choices of these individuals and business people is not an ideal method for increasing access to affordable health care.

For the foregoing reasons, I allowed Senate Bill No. 2314 to become law as Act 227, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 587, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2486 SD1 CDI

On July 8, 2008, House Bill No. 2486, entitled "A Bill for an Act Relating to Historic Preservation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require owners of historic buildings to submit archival-quality photographs to the Department of Land and Natural Resources prior to the issuance of a building-related permit. The provisions in this bill apply to privately-owned and public buildings that are at least fifty years old.

While fifty years is usually the age at which a building may be considered as eligible for listing on the Hawaii or National Register of Historic Places, every building over fifty years of age is not eligible for listing on the State or National Register. A structure must possess historic integrity in terms of its setting, design, materials, workmanship, location, and association in order to be eligible for listing on the these registers.

Although I agree with the bill's intent to ensure that a quality record of historic buildings lives on even after the buildings are demolished, I am nonetheless concerned that this bill places a financial burden on owners of buildings over fifty years of age without considering the structure's condition. In some cases, a building may be deteriorated to such a degree that it may not warrant the expense of the archival-quality documentation necessary under this bill to receive a permit seeking to improve the condition of the structure. Next session, my Administration will propose amendments to narrow the scope of this legislation.

For the foregoing reasons, I allowed House Bill No. 2486 to become law as Act 228, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 588, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2041 HD1 CD1

On July 8, 2008, Senate Bill No. 2041, entitled "A Bill for an Act Relating to Health" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate out of the general fund \$5,774,340 for the State's portion of the federal disproportionate share hospital allowance. Disproportionate share payments are made to hospitals serving large populations of low income patients. State funds are needed to match the federal appropriation of \$7,500,000.

Hawaii's hospitals sustain millions of dollars in operating losses each year for treating low-income patients. The bill will provide our hospitals with some relief. I am disappointed, however, that the Legislature highlighted this funding as a priority but chose not to include it in the State budget. As a result, the general funds in this bill fall outside of the State's six-year balanced budget plan.

For the foregoing reasons, I allowed Senate Bill No. 2041 to become law as Act 229, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 589, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2781 HD2 SD2 CD1

On July 8, 2008, House Bill No. 2781, entitled "A Bill for an Act Relating to Small Business" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purposes of this bill are to: (1) set forth rights that small businesses in Hawaii should have; (2) require agencies that are proposing an administrative rule that is more stringent than comparable or related federal, State, or county standards to provide additional information in their small business impact statements; and (3) require the Small Business Regulatory Review Board to convene a working group to review the rulemaking provisions under chapter 201M, Hawaii Revised Statutes.

As an advocate for small businesses in Hawaii, I appreciate this bill's attempt to guard against rules that may be excessively or unnecessarily confining to the detriment of our State's small businesses. However, this bill requires agencies to identify comparable or related federal, State, or county standards that are less stringent than the agency's proposed rule, compare their purposes, application, and administration, compare their monetary costs and benefits, compare their adverse effects on small businesses, and justify why the more rigorous rule is needed.

These requirements exceed the original rule-making notice and comment process contained in chapter 91 of Hawaii Revised Statutes. They transform the rule-making procedures into an extensive documentation effort that may not significantly benefit the State or small businesses and further lengthen the rule-making process.

Given that State agencies are already required to conduct a small business impact statement for proposed rules, I am hopeful these new requirements will be judiciously applied.

For the foregoing reasons, I allowed House Bill No. 2781 to become law as Act 230, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 590, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 1804 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 1804, entitled "A Bill for an Act Relating to the Trauma System Special Fund" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to increase available revenues in the Trauma System Special Fund by establishing additional surcharges for traffic violations.

I am concerned that this bill creates additional surcharges that will increase costs on the driving public. These surcharges cover a wide variety of traffic violations and range between \$10 and \$500. Although discretionary, I believe some of these charges are excessive, given the existing penalties in law.

However, everyone has a vested interest in improving trauma care in our state. All residents deserve access to high-quality, specialized care should they find themselves critically injured in a motor vehicle accident or other emergency situation. Providing such high-quality care is expensive, especially on our neighbor islands, and this bill is one way to help improve the structure of our current trauma care system.

For the foregoing reasons, I allowed Senate Bill No. 1804 to become law as Act 231, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 591, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 357 HD2 SD1 CD1

On July 8, 2008, House Bill No. 357, entitled "A Bill for an Act Relating to Traffic Safety" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill appropriates \$1 million in general funds to the State Department of Transportation to conduct a study and identify State and county intersections where the time to cross is insufficient. The Department is directed to implement improvements to crosswalks identified in the study as high risk. Examples would be adjusting the signal timing or adding countdown timers. The bill also asks the State Department of Transportation to recommend legislation to the 2010 session.

My Administration strongly supports improved pedestrian safety. We have installed countdown timers, improved crosswalk stripping, added signage, and improved shoulders and pedestrian walk lanes over this biennium period with the intended purpose of improving the safety of the State's roadways. We have also promoted pedestrian safety education programs including "Walk-Wise Hawaii." We recognize this is an on-going responsibility, particularly as our population ages.

This bill raises several concerns that resulted in my decision not to sign the bill. Most notably, the fiscal picture of the State has changed, meaning each decision that impacts the expenditure of State funds must be cautiously reviewed. This bill appropriates general funds, which I concur is preferable to using State highway funds, for pedestrian improvements. However, the \$1 million appropriation in this measure is outside of the State's 6-year balanced budget plan.

Second, the Department of Transportation informs me that they are skeptical this amount will be adequate to finance all of the items enumerated in this bill. Engineering studies are not inexpensive. Thus, it is questionable whether adequate funds will remain to carry out some of the implementation projects contemplated in this legislation.

Finally, as I pointed out in 2007, the counties collect a fuel tax to cover the costs of maintaining and improving county roadways. The county jurisdictions should be encouraged to budget funds for pedestrian improvements on their roads, rather than anticipating they will receive funds from the State.

For the foregoing reasons, I allowed House Bill No. 357 to become law as Act 232, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 592, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2646 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 2646, entitled "A Bill for an Act Relating to Important Agricultural Lands" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to encourage landowners to designate their lands as important agricultural lands.

In 1978 the voters of Hawaii approved Article XI, Section 3 of the State Constitution that established a framework for the preservation of important agricultural lands. In 2005, twenty-seven years later, my

Administration supported and I signed Act 183 that established the standards, criteria, and procedures to identify important agricultural lands. This bill finally puts in place a package of incentives to encourage public and private landowners to make important agricultural land designations.

Although there are many important components to this bill, it contains a number of provisions that raise concerns.

This bill lists certain requirements when a reclassification is accompanied by a petition to designate lands as important agricultural lands. However, these requirements do not specifically include the evaluation criteria currently required for land reclassification set forth in section 205-17, Hawaii Revised Statutes. It is unclear whether the Land Use Commission is expected to apply the existing criteria under section 205-17 for reclassification determinations or a different set of criteria when the reclassification is coupled with a designation of land as important agricultural land. Further, it is unclear whether the Office of Planning may provide input into the reclassification deliberations.

Part II of this bill requires the Department of Agriculture to review housing plans, a function outside of its scope of responsibility and for which it is not equipped. The counties raised concerns that this section of the bill, along with other provisions calling for priority processing of permits, adversely impinges upon county functions, contrary to home rule.

The granting of a refundable tax credit is troubling since businesses will be able to claim the credit without actually carrying through on plans for agricultural operations. This credit also comes at a time when the State is facing severe financial constraints. A loss of \$7.5 million per year not within the State balanced budget plan will mean these revenues must be made up from other sources. Additionally, the Department of Taxation has raised technical and definitional concerns that will make it difficult to administer this credit.

Finally, the insertion of the Legislature into the process to remove important agricultural land designations is troubling and should be a matter left in the hands of the body that oversees land classifications, the Land Use Commission.

For the foregoing reasons, I allowed Senate Bill No. 2646 to become law as Act 233, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 593, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2293 HD1 SD2 CD2

On July 8, 2008, House Bill No. 2293, entitled "A Bill for an Act Relating to Agriculture" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to authorize the Agribusiness Development Corporation to purchase agricultural lands owned by the Galbraith Estate and located in Wahiawa. If a purchase agreement is not reached after an unspecified amount of time, the Department of Land and Natural Resources is directed to exercise its power of eminent domain to acquire the property.

It should be noted that the Agribusiness Development Corporation has statutory authority to purchase and lease lands under §163D-4, Hawaii Revised Statute. Use of the former Galbraith Estate lands is already limited to agricultural-related activities, as permissible within the State's Agricultural District.

This bill raises a number of concerns. It sets forth a series of complex options for the possible purchase of the land, including the issuance of revenue bonds, direct appropriations, lump sum payments, installment purchase agreements, or the purchase of U. S. Treasury zero-coupon bonds to finance an installment purchase. It should be noted that the 2009 supplemental budget includes authority to issue \$13 million in general obligation bonds for the acquisition of the Galbraith properties. This amount is likely to be considerably less than what would be needed to purchase the 2,100 acres of Galbraith Estate land in Central Oahu.

Based on the revenue generating capacity of agricultural leases, it is also unlikely that leases on the former Galbraith properties could generate enough of a revenue stream to pay back the revenue bonds. It is also unlikely that the Agribusiness Development Corporation could generate sufficient revenues to meet installment payments on this type of purchase, thus possibly placing the State in a potential default position.

Part III of the bill stipulates that the Legislature may authorize the Agribusiness Development Corporation to purchase agricultural lands if the bill which enacts the purchase contains: 1) a statement of the value of the interest in land as a resource to the State, 2) a description of the specific parcel of land or agricultural easement proposed to be acquired, 3) the name of the owner of the property, and 4) the estimated costs of acquiring the interest in the land. However, House Bill No. 2293 neither specifies the value of the properties, nor includes the estimated cost of the purchase. Therefore, because the information contained in this bill does not meet the prescribed requisites, this bill technically will not authorize the Agribusiness Development Corporation to purchase the Galbraith Estate parcels identified in part V of the bill.

Additionally, it should be noted that a portion of the said properties lie below Lake Wilson and are part of the Wahiawa Reservoir system. This reservoir has been officially classified as a "high hazard" reservoir due to the sizable population and property values in the adjoining region. The Department of Agriculture estimates an auxiliary spillway would need to be constructed to improve the safety of the current reservoir and they estimate the cost of this type of undertaking in the \$6-8 million range.

Given the fiscal and legal issues this measure presents, I allowed House Bill No. 2293 to become law as Act 234, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 594, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2507 HD1 SD2 CD1

On July 8, 2008, House Bill No. 2507, entitled "A Bill for an Act Relating to Greenhouse Gas Emissions Reduction" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate \$140,000 for two temporary full-time positions to support the implementation of Act 234, Session Laws of Hawaii 2007, which, among other things, established the Greenhouse Gas Emissions Reduction Task Force. The funding, however, was not among my Administration's fiscal priorities. Furthermore, rather than appropriating funds to research an issue, I believe this money could be put to better use by directing it to existing programs such as the Hawaii Clean Energy Initiative, which has the potential to lessen our dependence on foreign oil and reduce greenhouse gas emissions.

For the foregoing reasons, I allowed House Bill No. 2507 to become law as Act 235, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 595, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2850 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 2850, entitled "A Bill for an Act Relating to Biosecurity" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to codify the Department of Agriculture's biosecurity program and to authorize the Department to require cargo carriers to prepare and submit manifests for cargo transported into the State or between the islands. Specifically, this biosecurity program will be funded through a \$250,000 general fund appropriation and a \$6,000,000 appropriation from the Department's pest inspection, quarantine, and eradication fund.

I vetoed House Bill No. 2843 on the basis that it would increase Hawaii's already high cost of living by imposing another fee on goods coming into Hawaii. This bill raises concerns because it would have authorized the Department of Agriculture to spend a portion of these funds and also appropriates an additional \$250,000 in general funds outside of the six-year balanced budget plan.

Although the codification of the Department's biosecurity program is acceptable, it should be noted that the Department of Agriculture and the Department of Land and Natural Resources, through the Hawaii Invasive Species Council, already perform many of the activities and functions prescribed by this measure. It is important to recognize that the State budget for the Department of Agriculture's plant, pest, and disease control program has doubled from \$5.5 million to over \$11 million within the last four years.

Although I have concerns with the funding mechanisms provided, this bill recognizes the Department of Agriculture's ongoing efforts to reduce the number of invasive species that enter our state. This bill also requires carriers transporting goods into the State to provide pertinent information for the Department of Agriculture to detect high-risk cargo entering our islands in a timely manner.

For the foregoing reasons, I allowed Senate Bill No. 2850 to become law as Act 236, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 596, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2661 HD2 SD2 CD1

On July 8, 2008, House Bill No. 2661, entitled "A Bill for an Act Relating to Special Purpose Revenue Bonds to Assist Industrial Enterprises" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to authorize the issuance of up to \$38 million in special purpose revenue bonds to Hui Mana 'Oam'o for a renewable energy project.

Special purpose revenue bonds are issued by the State Department of Budget and Finance on behalf of private entities who are engaged in a legitimate public purpose. The State Constitution enumerates seven such purposes. These bonds do not count against the indebtedness of the State of Hawaii and the revenues generated by the project are responsible for paying the debt to retire the bonds. Depending upon the nature of the activity, these bonds may qualify for federal and State tax exemptions, thus affording a lower interest rate to the entity who will use the funds.

This bill raises several concerns. First, as indicated by the Attorney General, bonds issued on behalf of Hui Mana 'Oam'o would not likely qualify for a federal tax exemption because these bonds exceed the threshold for a "small issuance" set in the Internal Revenue Code and do not meet the federal large issuance requirement that the utility must have been in operation prior to 1997. Thus, it is unclear whether a significant interest rate advantage will be gained by issuing special purpose revenue bonds, as opposed to a standard corporate borrowing.

Second, the project proposed to be funded using these moneys has only been described in general terms. While I am a strong supporter of renewable energy projects, significantly greater details will need to be provided before the State Department of Budget and Finance can perform the required due diligence that is undertaken prior to the issuance of these bonds.

For the foregoing reasons, I allowed House Bill No. 2661 to become law as Act 237, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 597, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3030 SD2 HD2 CD1

On July 8, 2008, Senate Bill No. 3030, entitled "A Bill for an Act Relating to Mixed Martial Arts" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

Regulation of mixed martial arts events was mandated in 2007 under Act 279, a bill I allowed to go into law without my signature. My Administration warned from the beginning that the proposed regulation was complex and would be expensive, particularly given

the small size of the industry. We were particularly concerned that Act 279 did not provide for a necessary funding stream to cover start-up expenses for the program, but enacted an initial set of fees and assessments to help cover the costs after the regulatory program was in place on July 1, 2009.

Since Act 279 became law, the department has performed a detailed, conscientious review of the costs of regulating this industry. They have found that the fees and assessments provided for in the 2007 legislation would not be adequate to cover these projected costs. Their analysis found that the original fee structure would create a shortfall of \$190,000 over the first four years and an estimated \$347,500 over the subsequent four years of regulation.

The 2008 legislation now before me was initiated for the specific purpose of addressing the problems that arose in Act 279. The Department of Commerce and Consumer Affairs correctly recognized that fees would need to be adjusted significantly to recoup start-up costs, as well as cover operational expenses when the program begins next year. Regrettably, the fees and assessments will be high for an industry that it [sic] likely to stage only a half-dozen events in our state each year. Some have indicated that the fees would make it cost prohibitive for them to stage mixed martial arts events in this state.

This legislation demonstrates the adverse impact that well-intended legislation can have on particular industries. I would urge members of the Legislature to re-examine the basis upon which they passed regulation of this industry in 2007 and I will ask my department to submit a proposal in 2009 to significantly revamp the regulatory framework for this industry such that adequate oversight can be done without stifling the ability of the industry to stage events in our state.

For the foregoing reasons, I allowed Senate Bill No. 3030 to become law as Act 238, effective July 8, 2008, without my signature.

Sincerely,

/s/

LINDA LINGLE"

Gov. Msg. No. 598, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 69 SD2 HD3 CD1

On July 8, 2008, Senate Bill No. 69, entitled "A Bill for an Act Relating to Health Care" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to temporarily expand eligibility for the Hawaii Children's Health Care program to assist children who are uninsured as a result of their parent or guardian being employed by a Hawaii employer who filed for bankruptcy or ceased doing business in Hawaii between February 29, 2008 and September 30, 2008.

The intent of this bill has merit. This past spring, thousands of Hawaii workers lost their jobs due to business closures or bankruptcies. While some workers and their families are on the road to recovery, others remain unemployed and have lost or are in danger of losing their health insurance. This bill would make sure that the children of those workers have health insurance through the end of this year.

I am concerned that the Legislature passed this bill without knowing the number of children who might be eligible. Without this data, we cannot predict whether existing funds will be adequate to

cover the children who apply. Given the Council on Revenues' economic projections for 2008, we must carefully consider the future implications of any program expansions such as this.

Also, it is unclear why the exemption was restricted to a six month period and limited to children of those employed in a business that ceased to exist in Hawaii. The expanded eligibility under this measure does not cover children whose parent or guardian was terminated as a result of downsizing or reorganization, or even passed away. We believe this may subject this measure to an equal protection challenge under the Fourteenth Amendment of the United States Constitution, and article I, section 5 of the Hawaii Constitution.

This bill covers children of workers displaced from their jobs due to the employer ceasing to do business in Hawaii between certain dates. They would be accorded preferential treatment over a second class of children who, for other reasons, become uninsured or have been uninsured for up to six months. Specifically, children whose insured parent or guardian worked for a company that ceased doing business in Hawaii between February 29 and September 30, 2008 would be immediately eligible for the Hawaii children's health care program. Children who abruptly become uninsured for other reasons during that time period must remain uninsured for six months before becoming eligible for the program.

Therefore, it can be argued that there is no rational basis for distinguishing between the two classes of children identified above when they are, essentially, in the same situation, i.e., they lost or are at risk of losing their health insurance coverage because their parent or guardian abruptly loses his or her prepaid health care insurance. It is also questionable whether there is a rational basis for distinguishing a third class of children, i.e., those whose parents did not abruptly lose their prepaid health care insurance, but simply did not have insurance because, for instance, the parents were self-employed, or employed in part-time jobs and never purchased insurance. These children also must be uninsured for six months before qualifying for the Hawaii children's health care program.

Although it is true that many other arguably equally deserving children will be left out, it could be argued that because the bill is designed to deal with a specific crisis situation triggered by recent bankruptcies or business shutdowns, the exemptions are rationally tied to the specific triggering events. Even though none of these reasons or rationales may have been specifically offered in the bill, courts could look to any rational reason to justify the classification, even though they are not specifically expressed in the bill or its history, and rule that the bill met the constitutional equal protection criteria.

For the foregoing reasons, I allowed Senate Bill No. 69 to become law as Act 239, effective July 8, 2008, without my signature.

Sincerely,

/s/

LINDA LINGLE"

Gov. Msg. No. 599, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2763 HD1 SD1 CD1

On July 8, 2008, House Bill No. 2763, entitled "A Bill for an Act Relating to the Children of Incarcerated Parents Task Force" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill re-establishes a task force that has already ceased operations and submitted its report to the 2008 Legislature.

While we appreciate the intent of this measure to ensure continued focus on the needs of children of incarcerated parents, this bill has a number of troubling aspects. First, it sets up a large task force within the Department of Human Services, but fails to provide funding or other resources to support this group. However, the bill mandates that the Department of Human Services pay for the travel and related expenses of the Task Force's operations. This de-facto means that money will need to be pulled from other important social service programs to pay for a group that is studying a topic that has already been researched in some detail.

Second, the 2008 report for the former Task Force contained recommendations that seemed to fall into three categories. The first category included programs that the Department of Public Safety and other organizations are already pursuing. This is not to imply that these programs cannot be improved, but it does little good to recommend the replication of programs that already exist. The second category included proposals that are beyond the scope and resources available to the State for the foreseeable future. Additionally, the Task Force has made suggestions that could increase the legal liabilities incurred by the State.

Despite these concerns, this Administration suggests that the Task Force seek funds from non-State sources and that it focus on working closely with the Department of Human Services and the Department of Public Safety on improving programs already in place to assist parents who are incarcerated and their children.

For the foregoing reasons, I allowed House Bill No. 2763 to become law as Act 240, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 600, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2062 HD1 SD2 CD1

On July 8, 2008, House Bill No. 2062, entitled "A Bill for an Act Relating to Long-Term Care" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services to allow persons who are eligible to receive Medicaid funds for care at nursing home facilities to remain at home and receive home and community-based long-term care.

The Lingle-Aiona Administration strongly supports the goals of this legislation because the Department of Human Services has already applied and received approval to implement the programs and services envisioned by this bill. Since 2003, the Department has operated the "Going Home" program which has enabled more than 800 individuals to relocate from acute hospital settings to alternative residential care in Community Care Foster Family Homes, Expanded Adult Residential Care Homes, or their own home. The Department was recently awarded federal funding to implement the "Going Home Plus" project which will help clients who are living in nursing facilities find housing and other support services. The expanded "Going Home" program will begin in August 2008.

In addition, on February 1, 2008 the Department of Human Services received approval from the federal Centers for Medicare and Medicaid Services to extend and expand services under QUEST Expanded Access (QExA). Starting November 1, 2008 the Quest Expanded Access program will provide expanded home and community-based services for Medicaid clients.

Although this legislation is technically not necessary, the bill reaffirms the importance of the "Going Home" program and provides the Department of Human Services the opportunity to seek formal federal reconfirmation from the federal Department of Health and Human Services.

For the foregoing reasons, I allowed House Bill No. 2062 to become law as Act 241, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 601, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2519 HD2 SD2 CD1

On July 8, 2008, House Bill No. 2519, entitled "A Bill for an Act Relating to Health Care" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to create a working group to develop a plan to establish the Hawaii Health Corps Program to address physician and dentist shortages in the State.

The intent of this bill has merit and sets forth a specific set of programs to retain qualified medical professionals in Hawaii, especially those willing to work in the underserved areas of our state.

This bill raises concerns because it proposes the development of incentives that the State currently does not have the funds to support. Should the program envisioned by this bill be enacted, it would be difficult at the present time to identify a sustainable source of funding to support it for the foreseeable future.

It is hoped that the working group established in this bill will focus on private sector local and national sources of financial assistance to provide stipends, scholarships, and loan repayment programs to eligible medical and dental students.

For the foregoing reasons, I allowed House Bill No. 2519 to become law as Act 242, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 602, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2520 HD3 SD2 CD1

On July 8, 2008, House Bill No. 2520, entitled "A Bill for an Act Relating to Caregivers" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purposes of this Act are to require the joint legislative committee on aging in place to explore the provision of wage replacement benefits to employees who need to take time off from work to care for a family member with a serious health condition and to establish a working group to further explore the issue.

Every day, families in Hawaii struggle to find a way to care for an aging family member, a disabled spouse, or a sick child. As our aging population grows, this problem will become a reality for more Hawaii residents. This bill continues the analysis of this issue, but raises several concerns that should be acknowledged.

Any system that mandates employer-paid wage replacement benefits for Hawaii workers will increase the already high cost of doing business in the State and I would caution the working group to avoid recommending a system that will become an administrative and financial burden for companies in Hawaii that provide jobs and livelihoods for our residents. It should be noted that many employees can already use the benefits of the federal Family Medical Leave Act which requires employers to grant employees up to 12 work weeks of leave for an immediate family member with a serious health condition.

I would have liked to have seen the working group include members of the insurance industry, medical profession, and economic experts in lieu of advocacy organizations whose views are already well established.

This bill also raises concerns because it proposes to mandate a benefit that would aid some but could be unfair to others. It would allow an employee with an aging parent or a sick child to be entitled to more paid leave than an employee without a dependent that needs care. It would require an employer to make a judgment as to whether an employee is entitled to leave, but without being able to ask sensitive, personal medical questions about the family member's illness or condition. This could create the potential for abuse.

I believe most Hawaii workers are committed to their jobs and want to work. Most understand and are motivated by the dedication, hard work, and time that lead to career advancement. It makes sense to support policies that give workers the tools they need to balance work and family life, such as my Administration's proposals for tax credits for the purchase of long-term care insurance which will give Hawaii residents an opportunity to plan for family needs.

While there is no substitute for the care provided by a family member, it is important to remember that the stress and financial commitment of caring for a loved one can be overwhelming and damaging to all involved. Long-term care can aid and assist in such situations and ensure that the entire family unit remains healthy and successful.

For the foregoing reasons, I allowed House Bill No. 2520 to become law as Act 243, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 603, informing the House that on July 8, 2008, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 661 HD1 SD3 CDI

On July 8, 2008, House Bill No. 661, entitled "A Bill for an Act Relating to Campaign Spending" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a pilot project to provide public funding for the county of Hawaii council elections for three election cycles, starting with the 2010 elections.

Because this bill establishes a pilot program for a limited period of time, I am allowing this measure to become law. However, this measure raises a number of operational concerns. The legislation will likely create disparities and funding disadvantages to those seeking to participate in the program. The bill imposes a ceiling of \$300,000 for all participating candidates subject to this pilot program in any given election year. If the pilot project had been in effect for the 2006 election cycle in Hawaii County, a minimum of \$373,276 would have been spent, assuming just one publicly-funded candidate from each of the major political parties ran in each district. In reality, 23 candidates ran for Council offices during that cycle.

The fiscal implications experienced by other states of fully publicly funded elections also raises concerns about the fiscal impact on the Hawaii Election Campaign Fund. The Hawaii State Campaign Spending Commission reports that Massachusetts and Kentucky have terminated their full funding program due to costs. Connecticut reports increases from \$15 million in fiscal year 2006 to a projected cost of \$45 million for fiscal year 2008. The Commission believes that the Hawaii fund would be bankrupt within the first year of a statewide program, and the additional check-off would not generate anywhere near the required funds to maintain a viable program.

Of equal concern are the policy implications of public-financed campaigns since publicly funded campaigns undermine the competitive political process that has guided American politics for 200 years. It is disputable as to whether publicly funded campaigns have increased the number of candidates running for offices, impacted incumbent re-elections, increased voter turnout, ended negative campaigning, or prevented out-of-state money from influencing local campaigns.

For the foregoing reasons, I allowed House Bill No. 661 to become law as Act 244, effective July 8, 2008, without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 604, dated July 10, 2008, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-319, Hawaii Revised Statutes.

Gov. Msg. No. 605, dated July 10, 2008, transmitting the Department of Human Services' Report to the Legislature as required by Act 236, Session Laws of Hawaii 2007.

Gov. Msg. No. 606, dated July 10, 2008, transmitting the Department of Human Services' Report to the Legislature as requested by H.C.R. 54/H.R. 34, 2007 Hawaii State Legislature.

Gov. Msg. No. 607, dated July 30, 2008, transmitting the Report of the Temporary Hawaii Inter-Island Ferry Oversight Task Force, pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session.

Gov. Msg. No. 608, dated August 28, 2008, transmitting the Report of the Temporary Hawaii Inter-Island Ferry Oversight Task Force, pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session.

SENATE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT
OF THE 2008 SPECIAL SESSION SINE DIE

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| Sen. Com. No. 748, transmitting S.R. No. 2, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate on July 8, 2008. | | S.B. No. 2827, SD 1, HD 1, CD 1 | Governor's Message No. 887 |
| | | S.B. No. 2830, SD 2, HD 2, CD 1 | Governor's Message No. 863 |
| Sen. Com. No. 749, informing the House that the Senate has this day overridden the Governor's veto by a two-thirds vote of all members to which the Senate is entitled to the following bills: | | S.B. No. 2840, SD 2, HD 1, CD 1 | Governor's Message No. 888 |
| S.B. No. 156, SD 2, HD 2, CD 1 | Governor's Message No. 868 | S.B. No. 2843, SD 2, HD 3, CD 1 | Governor's Message No. 889 |
| S.B. No. 871, SD 2, HD 2, CD 1 | Governor's Message No. 869 | S.B. No. 2867, SD 2, HD 2, CD 1 | Governor's Message No. 890 |
| S.B. No. 1526, SD 2, HD 3, CD 1 | Governor's Message No. 870 | S.B. No. 2878, SD 2, HD 2, CD 1 | Governor's Message No. 891 |
| S.B. No. 1793, SD 1, HD 1, CD 1 | Governor's Message No. 871 | S.B. No. 2915, SD 2, HD 1, CD 1 | Governor's Message No. 854 |
| S.B. No. 2082, SD 2, HD 1, CD 1 | Governor's Message No. 864 | S.B. No. 2933, SD 2, HD 2, CD 1 | Governor's Message No. 892 |
| S.B. No. 2198, SD 2, HD 2, CD 2 | Governor's Message No. 873 | S.B. No. 3252, SD 2, HD 2, CD 1 | Governor's Message No. 893 |
| S.B. No. 2262, SD 1, HD 2, CD 2 | Governor's Message No. 874 | H.B. No. 1412, HD 1, SD 1, CD 1 | Governor's Message No. 894 |
| S.B. No. 2263, SD 2, HD 1 | Governor's Message No. 875 | H.B. No. 2085, HD 1, SD 2 | Governor's Message No. 895 |
| S.B. No. 2334, SD 2, HD 1, CD 1 | Governor's Message No. 876 | H.B. No. 2238, HD 1, SD 1 | Governor's Message No. 896 |
| S.B. No. 2341, SD 1, HD 1, CD 1 | Governor's Message No. 877 | H.B. No. 2250, HD 1 | Governor's Message No. 897 |
| S.B. No. 2345, SD 1, HD 1, CD 1 | Governor's Message No. 878 | H.B. No. 2531, HD 1, SD 2, CD 1 | Governor's Message No. 858 |
| S.B. No. 2434, HD 1, CD 1 | Governor's Message No. 879 | H.B. No. 2675, HD 2, SD 1 | Governor's Message No. 901 |
| S.B. No. 2542, SD 2, HD 2, CD 1 | Governor's Message No. 880 | H.B. No. 2704, HD 2, SD 1, CD 1 | Governor's Message No. 902 |
| S.B. No. 2546, SD 2, HD 1, CD 1 | Governor's Message No. 881 | H.B. No. 2761, HD 1, SD 1, CD 1 | Governor's Message No. 903 |
| S.B. No. 2644, SD 1, HD 1, CD 1 | Governor's Message No. 882 | H.B. No. 2843, HD 2, SD 2, CD 1 | Governor's Message No. 904 |
| S.B. No. 2663, SD 2, HD 2, CD 1 | Governor's Message No. 883 | | |
| S.B. No. 2668, SD 2, HD 1, CD 1 | Governor's Message No. 884 | | |
| S.B. No. 2803, SD 1, HD 1, CD 1 | Governor's Message No. 885 | | |
| S.B. No. 2824, SD 2, HD 1, CD 1 | Governor's Message No. 886 | | |

DEPARTMENTAL & MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT
OF THE 2008 SPECIAL SESSION SINE DIE

DEPARTMENTAL COMMUNICATIONS

Dept. Com. No. 78, from the Hawaii State Department of Health, transmitting the Adult Mental Health Division FY2007 Annual Report and Five Year Review.

Dept. Com. No. 79, from the Department of Human Services, Social Services Division, transmitting the Report to the Twenty-Fourth Hawaii State Legislature 2008, in accordance with the provisions of Senate Concurrent Resolution 220, Senate Draft 1.

Dept. Com. No. 80, dated July 21, 2008, from Marion M. Higa, State Auditor, Office of the Auditor, acknowledging receipt of House Concurrent Resolution No. 62, House Draft 1, Senate Draft 1.

Dept. Com. No. 81, dated June 25, 2008, from Andy Kaufman, Assistant Professor, Department of Tropical Plant and Soil Sciences, College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 229, H.D. 2.

MISCELLANEOUS COMMUNICATIONS

Misc. Com. No. 7, dated June 30, 2008, from Frank Richardson, Executive Director of Government Relations for the Hawaii Region, Kaiser Foundation Health Plan, Inc., acknowledging receipt of House Concurrent Resolution No. 138, H.D. 2, S.D. 1, and informing that Alan Lau, M.D. will be Kaiser's representative on the Telehealth Research Institute task force.

Misc. Com. No. 8, dated July 7, 2008, from Janet Weir Creighton, Deputy Assistant to the President and Director of Intergovernmental Affairs, on behalf of President Bush, acknowledging receipt of the following House Resolutions and House Concurrent Resolutions:

H.R. 19
H.R. 53
H.R. 71
H.R. 85
H.R. 86
H.R. 91
H.R. 110
H.R. 112
H.R. 154
H.C.R. 194
H.R. 209
H.R. 230
H.C.R. 235

Misc. Com. No. 9, dated July 2, 2008, from Emilio C Macias II, M.D., Governor, Province of Negros Oriental, Republic of the Philippines, acknowledging receipt of House Resolution No. 85.

Misc. Com. No. 10, dated July 29, 2008, from Mark Mahoney, Chief Clerk, Illinois House of Representatives, transmitting a copy of House Resolution 1325.