

**JOURNAL**  
**of the**  
**SENATE OF THE**  
**EIGHTEENTH LEGISLATURE**  
**of the**  
**STATE OF HAWAII**

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**Special Session of 1995**

**Convened Monday, June 5, 1995**  
**Adjourned Friday, June 9, 1995**

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THE  
EIGHTEENTH LEGISLATURE  
STATE OF HAWAII  
SPECIAL SESSION OF 1995  
JOURNAL OF THE SENATE

FIRST DAY

Monday, June 5, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, was called to order at 10:00 o'clock a.m., by Senator Norman Mizuguchi, President of the Senate, in accordance with the Proclamation issued by Governor Benjamin J. Cayetano on May 24, 1995, as follows:

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

WHEREAS, under Section 10 of Article III of the Constitution of the State of Hawaii, the Governor may convene both houses of the Legislature or the Senate alone in special session; and

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

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

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby convene both houses of the Legislature of the State of Hawaii in special session on Monday, the 5th day of June, 1995, at 10:00 o'clock a.m., for the consideration of special session bills to replace the bills affected by the inadvertent tardy transmittal of the general appropriations bill passed during the Regular Session of 1995.

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

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Margery S. Bronster  
MARGERY S. BRONSTER  
Attorney General"

The Divine Blessing was invoked by the Reverend Alan Urasaki, Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all Senators present with the exception of Senators Grauly, Solomon, Tam and Taniguchi who were excused.

The President addressed the members of the Senate as follows:

"In the next five days we will be revisiting our recent decision-making, at the least to remove procedural clouds

over essential appropriations, at most to correct the inequity of unduly taxing nursing care facilities.

"We will break no new ground. We will, however, be constantly reminded of the uncertainty of our financial outlook and be tempted to entertain further action.

"That is no decision to rush into. We must not only deal with the continued sluggishness of the Hawaii economy on virtually every front, but also the necessity of carefully assessing and preparing for the impact of federal budget cuts.

"Meanwhile, the wisdom of the interim is that it permits reflection and stimulates renewal.

"In that spirit, let us in these few days accomplish the necessary public business and reserve for future thought the need to convene again to act on other important state matters.

"Thank you very much for setting aside other demands on your time to participate in this special session. It underscores your commitment to see that the public's work is done."

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 1-S, transmitting the proclamation convening the Legislature of the State of Hawaii in special session on Monday, June 5, 1995, was read by the Clerk and was placed on file.

**INTRODUCTION OF SENATE BILLS**

On motion by Senator Ihara, seconded by Senator Liu and carried, the following bills passed First Reading by title and were referred to Committee:

Senate Bill:

No. 1-S "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senator Tam.

Referred to: Committee on Ways and Means

No. 2-S "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Senator Grauly.

Referred to: Committee on Ways and Means

No. 3-S "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION."

Introduced by: Senator Tam.

Referred to: Committee on Ways and Means

No. 4-S "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Senator Ikeda.

Referred to: Committee on Ways and Means

No. 5-S "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Bunda.

Referred to: Committee on Ways and Means

No. 6-S "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT."

Introduced by: Senator Kanno.

Referred to: Committee on Ways and Means

No. 7-S "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Gaulty, McCartney.

Referred to: Committee on Ways and Means

No. 8-S "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 9-S "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT."

Introduced by: Senator Kawamoto.

Referred to: Committee on Ways and Means

No. 10-S "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 11-S "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 12-S "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 13-S "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 14-S "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means

No. 15-S "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."

Introduced by: Senators Mizuguchi, Ihara, Kawamoto, McCartney.

Referred to: Committee on Ways and Means

#### ADJOURNMENT

At 10:06 o'clock a.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:00 o'clock a.m., Tuesday, June 6, 1995.

## SECOND DAY

Tuesday, June 6, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, convened at 11:07 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Stanley Bain, Harris United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Grauly and Solomon who were excused.

The President announced that he had read and approved the Journal of the First Day.

## STANDING COMMITTEE REPORTS

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1-S) recommending that S.B. No. 1-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2-S) recommending that S.B. No. 2-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the majority of the Committee was adopted and S.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3-S) recommending that S.B. No. 3-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 4-S) recommending that S.B. No. 4-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 5-S) recommending that S.B. No. 5-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and

S.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 6-S) recommending that S.B. No. 6-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 7-S) recommending that S.B. No. 7-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 8-S) recommending that S.B. No. 8-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 9-S) recommending that S.B. No. 9-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 10-S) recommending that S.B. No. 10-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 11-S) recommending that S.B. No. 11-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 12-S) recommending that S.B. No. 12-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 13-S) recommending that S.B. No. 13-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 14-S) recommending that S.B. No. 14-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 15-S) recommending that S.B. No. 15-S pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 7, 1995.

At 11:11 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:16 o'clock a.m.

Senator Matsuura rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"I had intended to write a congratulatory certificate for our good Senator Ige, but then I thought if I gave him one I would have to give the others, and that meant preparing 26 certificates and I didn't want to over-exceed some of the Senators in writing these certificates. I don't know if you folks have seen this award advertisement by GTE Hawaiian Tel. It's the Presidential Leadership

Award to honor GTE Hawaiian Tel employees who went 'beyond the call.' And one of the recipients is Senator David Ige, and I just want to congratulate him.

"Thank you."

#### ADJOURNMENT

At 11:17 o'clock a.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:00 o'clock a.m., Wednesday, June 7, 1995.

## THIRD DAY

Wednesday, June 7, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, convened at 11:05 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Norris, First Christian Church, after which the Roll was called showing all Senators present with the exception of Senators Grafty, Ige and Solomon who were excused.

The President announced that he had read and approved the Journal of the Second Day.

## ORDER OF THE DAY

## THIRD READING

## S.B. No. 1-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 2-S:

By unanimous consent, action on S.B. No. 2-S, was deferred to the end of the calendar.

## S.B. No. 3-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

At 11:10 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:11 o'clock a.m.

## S.B. No. 4-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 5-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 6-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 6-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 7-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 8-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 9-S:

By unanimous consent, action on S.B. No. 9-S, was deferred to the end of the calendar.

## S.B. No. 10-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 11-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 11-S, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 12-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grafty, Ige, Solomon).

## S.B. No. 13-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grauly, Ige, Solomon).

## S.B. No. 14-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 14-S, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grauly, Ige, Solomon).

## S.B. No. 15-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Grauly, Ige, Solomon).

### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

## S.B. No. 2-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Anderson, Liu). Excused, 3 (Grauly, Ige, Solomon).

## S.B. No. 9-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, S.B. No. 9-S, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Aki, Tam). Excused, 3 (Grauly, Ige, Solomon).

On motion by Senator Ihara, seconded by Senator Liu and carried unanimously, the Senate authorized the Clerk to receive a House communication transmitting House bills for passage on First Reading and referral to Committee. The Clerk was further authorized to receive standing committee reports recommending that House bills pass Second Reading and be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 11:15 o'clock a.m., the Senate took the following actions:

### HOUSE COMMUNICATION

Hse. Com. No. 1-S, transmitting the following House bills, which passed Third Reading in the House of Representatives on June 7, 1995:

H.B. No. 1-S;  
H.B. No. 2-S;  
H.B. No. 3-S;  
H.B. No. 4-S;  
H.B. No. 5-S;  
H.B. No. 6-S;  
H.B. No. 7-S;  
H.B. No. 8-S;  
H.B. No. 9-S;  
H.B. No. 10-S;  
H.B. No. 11-S;  
H.B. No. 12-S;  
H.B. No. 13-S;  
H.B. No. 14-S;  
H.B. No. 15-S;  
H.B. No. 16-S;  
H.B. No. 17-S;  
H.B. No. 18-S;  
H.B. No. 19-S; and  
H.B. No. 20-S,

was read by the Clerk and was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, the following House bills passed First Reading by title and were referred to the Committee on Ways and Means:

## House Bill

No. 1-S "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS";

No. 2-S "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION";

No. 3-S "A BILL FOR AN ACT RELATING TO COFFEE";

No. 4-S "A BILL FOR AN ACT RELATING TO INSURANCE";

No. 5-S "A BILL FOR AN ACT RELATING TO EDUCATION";

No. 6-S "A BILL FOR AN ACT RELATING TO ELECTIONS";

No. 7-S "A BILL FOR AN ACT RELATING TO STATE FUNDS";

No. 8-S "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND";

No. 9-S "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS";

No. 10-S "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS";

No. 11-S "A BILL FOR AN ACT RELATING TO STATE FINANCES";

No. 12-S "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE";

No. 13-S "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND";



No. 14-S "A BILL FOR AN ACT RELATING TO THE JUDICIARY";

No. 15-S "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

No. 16-S "A BILL FOR AN ACT RELATING TO AGRICULTURE";

No. 17-S "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS";

No. 18-S "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM";

No. 19-S "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES"; and

No. 20-S "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT."

#### STANDING COMMITTEE REPORTS

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 16-S) recommending that H.B. No. 1-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 16-S and H.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 17-S) recommending that H.B. No. 2-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 17-S and H.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 18-S) recommending that H.B. No. 3-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 18-S and H.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 19-S) recommending that H.B. No. 4-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 19-S and H.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 20-S) recommending that H.B. No. 5-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 20-S and H.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 21-S) recommending that H.B. No. 6-S, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 21-S and H.B. No. 6-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 22-S) recommending that H.B. No. 7-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 22-S and H.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 23-S) recommending that H.B. No. 8-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 23-S and H.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 24-S) recommending that H.B. No. 9-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 24-S and H.B. No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 25-S) recommending that H.B. No. 10-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 25-S and H.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 26-S) recommending that H.B. No. 11-S, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 26-S and H.B. No. 11-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 27-S) recommending that H.B. No. 12-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 27-S and H.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 28-S) recommending that H.B. No. 13-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 28-S and H.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 29-S) recommending that H.B. No. 14-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 29-S and H.B. No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 30-S) recommending that H.B. No. 15-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 30-S and H.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 31-S) recommending that H.B. No. 16-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 31-S and H.B. No. 16-S, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 32-S) recommending that H.B. No. 17-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 32-S and H.B. No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 33-S) recommending that H.B. No. 18-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 33-S and H.B. No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 34-S) recommending that H.B. No. 19-S pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 34-S and H.B. No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," was deferred until Thursday, June 8, 1995.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 35-S) recommending that H.B. No. 20-S, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 35-S and H.B. No. 20-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," was deferred until Thursday, June 8, 1995.

#### ADJOURNMENT

At 3:35 o'clock p.m., the Senate adjourned until 11:00 o'clock a.m., Thursday, June 8, 1995.

## FOURTH DAY

Thursday, June 8, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, convened at 11:10 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor John Chow, Hawaii Conference of Seventh-Day Adventists, after which the Roll was called showing all Senators present with the exception of Senators McCartney and Solomon who were excused.

The President announced that he had read and approved the Journal of the Third Day.

## HOUSE COMMUNICATION

Hse. Com. No. 2-S, notifying the Senate that S.B. No. 4-S, H.D. 1, was received and filed in the Office of the House Clerk at 2:15 p.m. on June 7, 1995, and printed copies of said Senate bill, in the form to be passed in the House on Third Reading, were made available to the members of the Legislature pursuant to constitutional mandate, was read by the Clerk and was placed on file.

## ORDER OF THE DAY

## SECOND READING

Stand. Com. Rep. No. 16-S (H.B. No. 1-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 16-S was adopted and H.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 17-S (H.B. No. 2-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 17-S was adopted and H.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 18-S (H.B. No. 3-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 18-S was adopted and H.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 19-S (H.B. No. 4-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 19-S was adopted and H.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 20-S (H.B. No. 5-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 20-S was adopted and H.B. No. 5-S, entitled: "A BILL FOR AN ACT

RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 21-S (H.B. No. 6-S, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 21-S was adopted and H.B. No. 6-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 22-S (H.B. No. 7-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 22-S was adopted and H.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 23-S (H.B. No. 8-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 23-S was adopted and H.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 24-S (H.B. No. 9-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 24-S was adopted and H.B. No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 25-S (H.B. No. 10-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 25-S was adopted and H.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 26-S (H.B. No. 11-S, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 26-S was adopted and H.B. No. 11-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 27-S (H.B. No. 12-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 27-S was adopted and H.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 28-S (H.B. No. 13-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 28-S was adopted and H.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 29-S (H.B. No. 14-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 29-S was adopted and H.B. No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 30-S (H.B. No. 15-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 30-S was adopted and H.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 31-S (H.B. No. 16-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 31-S was adopted and H.B. No. 16-S, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 32-S (H.B. No. 17-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 32-S was adopted and H.B. No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 33-S (H.B. No. 18-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 33-S was adopted and H.B. No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 34-S (H.B. No. 19-S):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 34-S was adopted and H.B. No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Stand. Com. Rep. No. 35-S (H.B. No. 20-S, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, Stand. Com. Rep. No. 35-S was adopted and H.B. No. 20-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 9, 1995.

Senator Baker then rose on a point of information as follows:

"Mr. President, I rise on a point of information.

"Mr. President, so that the Senators may better plan their schedules for Friday, may the Clerk advise us as to the time that the House bills with Senate drafts were decked and made available for review by the members to assure compliance with Article III, Section 15 for final passage."

The Clerk responded:

"All House bills with Senate drafts were decked and copies were available to members of the Legislature at 3:34 p.m., yesterday, June 7, 1995."

Senator Baker then added:

"Mr. President, in light of that information, I'd like to advise the Senators that the session will now convene at 3:30 p.m. on Friday. Thank you."

At 11:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:18 o'clock a.m.

#### ADJOURNMENT

At 11:19 o'clock a.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 3:30 o'clock p.m., Friday, June 9, 1995.

## FIFTH DAY

Friday, June 9, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, convened at 3:39 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Julia McKenna-Dubin, The Ministry for Divine Harmony, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling, Kawamoto, Levin and Solomon who were excused.

The President announced that he had read and approved the Journal of the Fourth Day.

## ORDER OF THE DAY

## THIRD READING

There being no objections, the Senate took the following actions out of order from the sequence printed on the Order of the Day:

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

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 6-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

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

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 11-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

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

Senator Ikeda moved that H.B. No. 20-S, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Liu rose to speak on the measure as follows:

"Mr. President, I will be voting in favor of this bill, but I think it's time to raise even more questions so that perhaps the administration can take a look at them when we finish business here regarding this whole issue of the tax credit and the tax itself. And perhaps there are even some in this body who may be able to lend some clarity to assist all of us, especially the administration, in understanding what exactly we have here.

"The tax credit is inexplicably linked to the tax which was passed back in 1993 under Act 315. The approval section, Section 8 of that bill, is very interesting. It has an effective date of July 1, 1993 or the effective date of reimbursement changes, referred to in an earlier section of the Act. That earlier section requires that the department shall make various adjustments to the methods and standards of reimbursing nursing facilities under a medicaid state plan amendment which then would require federal approval. And in the case of any program involving federal medicaid participation, the adjustment

should take effect no earlier than the effective date of any federally approved medicaid state plan amendment containing any such amendment.

"The bottom line is that I think there are some serious questions whether or not the state received the correct kind of approval as we required by statute to, first of all, even trigger the tax in the first place. Secondly, if for some reason we can argue that the tax, in fact, was legally triggered, then clearly it would seem to me that given the current ruling and the current status of the plan, in effect the tax probably should not be imposed. Some might argue that, well, the tax is not really imposed since it's being held in escrow outside of the state general fund. If that's the case, why are we even dealing with the tax credit since the tax credit under the bill clearly can only be given to those who are staying in nursing facilities where the expense was subject to the imposition and payment of the tax imposed by Chapter 346E.

"So in other words, you can't really argue that the tax hasn't been imposed because we have been allowing tax credits, and here we want to continue tax credits. And if we weren't 'legally' imposing the tax, then we wouldn't be giving tax credits to begin with. Maybe we shouldn't be here in the first place on this bill.

"One can say this is all subject to interpretation. Odd thing about it, no one asked for an interpretation from the Attorney General. We checked. None of the AGs involved in dealing with this subject knew of any opinion which existed. Mr. President, I surely would have brought this to the attention of this body if I had found out earlier, but this is just research that we sort of looked into as we got into the bill based on testimony yesterday, etc. So I don't mean this as a last minute surprise on anybody. I do mean to question, however, the curious nature of how this whole tax and planned subsequent tax credits, all have come to be. I think it's a statement of the confusion which has existed in the Department of Health and Department of Human Services who cooperatively worked on this and on the Department of Human Services under this administration which continues -- I guess -- to support the plan. We haven't heard that they have stopped supporting it at this point in time.

"This is not to say that the nursing care facilities don't have an argument that they need more funding. It clearly seems to be (an area which I have just discussed) a stronger indication that the plan which was put before us, in an attempt to mitigate the plan's effect through this tax credit for which we are extending here today, and the method involved, clearly is not something that makes a lot of sense.

"The bottom line is we may have an illegal tax. I find it hard to think that we are not imposing that tax when we are giving benefits, i.e. tax credits, to those who are paying the tax to the nursing care facilities as well as reimbursements to those nursing care facilities through our medicaid program.

"And if the lawyers can argue that somehow the language gets us out from under any kind of legal cloud, I would say this, then the lawyers and the perpetrators of the plan perpetrated a fraud on the Legislature because I think any generic, common reading of that language would seem to indicate that the Legislature wanted and intended and probably accepted the plan with the idea that it would only go forward if the Feds would approve of it.

"Some other points of interest -- the approval date becomes interesting. People have been working under the impression that the tax took effect or went back to July 1 of 1993. In fact, the letter of conditional approval received from the Departments of Health and Human Services was received in February of 1994, and then the conditional approval itself is very clear that the funding mechanism was not being looked at or not being considered by the Departments of Health and Human Services in its conditional approval of the plan amendment.

"It's curious, Mr. President, that the administration, both past the present, would move forward on such a very sensitive issue without asking for clarity and clarification from the Attorney General and from others involved in the system. In some ways it is a fitting end to a very sad chapter, I think, in this year's legislative work. It's unfortunate.

"Thank you, Mr. President."

Senator Ikeda rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in favor of this bill.

"I'm not sure that I really comprehend everything that the previous speaker mentioned, nor do I really comprehend his problems with the bill, but as far as I am concerned, it's pure and simple. This bill is before us because if we don't pass it, the people who are paying the 6% tax will not get a credit for that tax. And if that is the wish of anyone here -- to not provide them with a tax credit -- then simply vote against this bill.

"We made an error during the last session because we passed the tax credit bill and eliminated the 6% credit unintentionally. At least where the Senate was concerned, we did not intend to continue the 6% tax. We did ultimately, and we did so reluctantly but for good reason. The people who provide long-term care services made it very clear to us that without the continuance of this tax and the subsequent medicaid reimbursement, they would go out of business. Now, I believed them, I also realize that with the shortage of beds that we have currently for long-term care, the loss of any of those beds will exacerbate the current problem. And we have a severe shortage in this area, Mr. President.

"So, while that tax may not be popular and its future certainly is questionable, given the fact that the federal government has not totally accepted the plan, we can only do at this point in time what we can to alleviate the burden on the people who have to pay the tax, and that is to pass this bill granting them the tax credit.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 20-S, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

### THIRD READING

H.B. No. 1-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 1-S, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF

SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 2-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 2-S, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 3-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 3-S, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 4-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 4-S, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 5-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 5-S, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 7-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 7-S, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

H.B. No. 8-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 8-S, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 9-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 9-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 10-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 10-S, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 12-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 12-S, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 13-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 13-S, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 14-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 14-S, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 15-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 15-S, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 16-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 16-S, entitled: "A BILL

FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 17-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 17-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 18-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 18-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## H.B. No. 19-S:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 19-S, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## HOUSE COMMUNICATION

Hse. Com. No. 3-S, returning S.B. No. 4-S, which passed Third Reading in the House of Representatives on June 9, 1995, in an amended form, was read by the Clerk and was placed on file.

At 4:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:05 o'clock p.m.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 4-S and S.B. No. 4-S, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Kawamoto, Levin, Solomon).

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1-S to 3-S) were read by the Clerk and were disposed of as follows:

No. 1-S "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, EIGHTEENTH LEGISLATURE OF THE STATE OF

HAWAII, SPECIAL SESSION OF 1995, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 1-S, was adopted.

No. 2-S "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE FOR THE FIFTH DAY."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 2-S, was adopted.

No. 3-S "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 3-S, was adopted.

At this time, the Chair asked the Majority Leader, Majority Floor Leader and the Minority Leader to inform the House of Representatives that the Senate is ready to adjourn, Sine Die.

At 4:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:14 o'clock p.m.

#### **ADJOURNMENT**

Senator Ihara moved that the Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, adjourn Sine Die, seconded by Senator Liu and carried.

At 4:15 o'clock p.m., the President rapped his gavel and declared the Senate of the Eighteenth Legislature of the State of Hawaii, Special Session of 1995, adjourned Sine Die.



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

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

Senate Bill No. 10-S as Act 1 (of the Special Session of 1995), entitled: "RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM";

Senate Bill No. 12-S as Act 2 (of the Special Session of 1995), entitled: "RELATING TO THE CLEAN HAWAII CENTER";

Senate Bill No. 13-S as Act 3 (of the Special Session of 1995), entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

Senate Bill No. 14-S as Act 4 (of the Special Session of 1995), entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS"; and

Senate Bill No. 15-S as Act 5 (of the Special Session of 1995), entitled: "RELATING TO RELATING TO PUBLIC ACCESS."

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

House Bill No. 1-S as Act 6 (of the Special Session of 1995), entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS";

House Bill No. 2-S as Act 7 (of the Special Session of 1995), entitled: "RELATING TO CRIMINAL HISTORY RECORD INFORMATION";

House Bill No. 3-S as Act 8 (of the Special Session of 1995), entitled: "RELATING TO COFFEE";

House Bill No. 5-S as Act 9 (of the Special Session of 1995), entitled: "RELATING TO EDUCATION";

House Bill No. 6-S as Act 10 (of the Special Session of 1995), entitled: "RELATING TO ELECTIONS";

House Bill No. 7-S as Act 11 (of the Special Session of 1995), entitled: "RELATING TO STATE FUNDS";

House Bill No. 8-S as Act 12 (of the Special Session of 1995), entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND";

House Bill No. 9-S as Act 13 (of the Special Session of 1995), entitled: "MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS";

House Bill No. 10-S as Act 14 (of the Special Session of 1995), entitled: "RELATING TO HAWAIIAN HOME LANDS";

House Bill No. 11-S as Act 15 (of the Special Session of 1995), entitled: "RELATING TO STATE FINANCES";

House Bill No. 12-S as Act 16 (of the Special Session of 1995), entitled: "RELATING TO GOVERNMENTAL ASSISTANCE";

House Bill No. 13-S as Act 17 (of the Special Session of 1995), entitled: "RELATING TO THE HAWAII HURRICANE RELIEF FUND";

House Bill No. 14-S as Act 18 (of the Special Session of 1995), entitled: "RELATING TO THE JUDICIARY";

House Bill No. 15-S as Act 19 (of the Special Session of 1995), entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 16-S as Act 20 (of the Special Session of 1995), entitled: "RELATING TO AGRICULTURE";

House Bill No. 18-S as Act 21 (of the Special Session of 1995), entitled: "MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM";

House Bill No. 19-S as Act 22 (of the Special Session of 1995), entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 20-S as Act 23 (of the Special Session of 1995), entitled: "RELATING TO THE MEDICAL SERVICES EXCISE TAX CREDIT";

Senate Bill No. 1-S as Act 24 (of the Special Session of 1995), entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 2-S as Act 25 (of the Special Session of 1995), entitled: "RELATING TO CRIME";

Senate Bill No. 3-S as Act 26 (of the Special Session of 1995), entitled: "RELATING TO ENVIRONMENTAL EDUCATION"; and

Senate Bill No. 7-S as Act 27 (of the Special Session of 1995), entitled: "RELATING TO ELECTIONS."

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

Senate Bill No. 4-S as Act 28 (of the Special Session of 1995), entitled: "RELATING TO STATE BONDS";

Senate Bill No. 6-S as Act 29 (of the Special Session of 1995), entitled: "MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT"; and

Senate Bill No. 11-S as Act 30 (of the Special Session of 1995), entitled: "RELATING TO HOUSING REVOLVING FUNDS."

**Gov. Msg. No. 5-S**, informing the Senate that on July 3, 1995, he signed into law Senate Bill No. 5-S as Act 31 (of the Special Session of 1995), entitled: "RELATING TO HOUSING."

**Gov. Msg. No. 6-S**, dated July 27, 1995, transmitting his statement of objections to Senate Bill No. 8-S which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

July 27, 1995

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

Honorable Members  
Eighteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 8-S, entitled 'A Bill for an Act Relating to Hawaiian Affairs.'

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

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

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

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

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

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

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

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

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

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of Hawaii, do hereby issue this proclamation,

pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 8-S with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

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

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

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

House Bill No. 4-S as Act 32 (of the Special Session of 1995), entitled: "RELATING TO INSURANCE"; and

Senate Bill No. 9-S as Act 33 (of the Special Session of 1995), entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT."

**Gov. Msg. No. 8-S**, informing the Senate that on August 15, 1995, he signed into law House Bill No. 17-S as Act 34 (of the Special Session of 1995), entitled: "MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS."

**HOUSE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT OF THE  
SPECIAL SESSION OF THE LEGISLATURE SINE DIE**

**Hse. Com. No. 4-S**, returning S.B. No. 1-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 5-S**, returning S.B. No. 2-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 6-S**, returning S.B. No. 3-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 7-S**, returning S.B. No. 5-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 8-S**, returning S.B. No. 6-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 9-S**, returning S.B. No. 7-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 10-S**, returning S.B. No. 8-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 11-S**, returning S.B. No. 9-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 12-S**, returning S.B. No. 10-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 13-S**, returning S.B. No. 11-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 14-S**, returning S.B. No. 12-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 15-S**, returning S.B. No. 13-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 16-S**, returning S.B. No. 14-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 17-S**, returning S.B. No. 15-S which passed Third Reading in the House of Representatives on June 9, 1995.

**Hse. Com. No. 18-S**, informing the Senate that the following House bills passed Final Reading in the House of Representatives on June 9, 1995:

H.B. No. 6-S, S.D. 1;  
H.B. No. 11-S, S.D. 1; and  
H.B. No. 20-S, S.D. 1.

## STANDING COMMITTEE REPORTS

**SCRep. 1-S Ways and Means on S.B. No. 1-S**

The purpose of this bill is to authorize the department of human services to plan for and to implement an electronic benefit transfer (EBT) system for the food stamp program and the aid to families with dependent children (AFDC) program.

This bill is intended to replace S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, of the 1995 Regular Session.

S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 2-S Ways and Means on S.B. No. 2-S**

The purpose of this bill is to address the problem of prison overcrowding by establishing a drug court at the state circuit court level, implementing a comprehensive schedule of alternatives to incarceration that do not undermine public safety, and providing rehabilitative and assistance programs for arrestees and the incarcerated.

This bill is intended to replace S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session except for corrections and technical changes that were recommended by the Attorney General of the State of Hawaii and which were necessary to properly effectuate the intent of this bill. These corrections and changes are as follows:

- (1) In Section 4, subsection (2)(a), the term "not" which was inadvertently dropped has been inserted after the word "Have";
- (2) Section 12 has been reformatted to reflect proper bill drafting style; and
- (3) In Section 19, the reference to "section 15" has been corrected to read "section 18".

S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 6. Noes, 1 (Liu). Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 3-S Ways and Means on S.B. No. 3-S**

The purpose of this bill is to establish the environmental advisory task force to work with the community to establish goals, objectives, and priorities for the management and protection of Hawaii's environment.

This bill is intended to replace S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, of the 1995 Regular Session except for corrections and technical changes that were necessary to properly effectuate the intent of this bill. These corrections and changes are as follows:

- (1) In Section 2, subsection (c), the words "date of this" have been inserted at the end of the first sentence before the word "Act"; and
- (2) In Section 7, the last sentence has been recast so as to be consistent with similar language in the bill.

S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 4-S Ways and Means on S.B. No. 4-S**

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

This bill is intended to replace S.B. No. 304, H.D. 1, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 304, H.D. 1, C.D. 1, of the 1995 Regular Session except for corrections and technical changes that were recommended by the Attorney General of the State of Hawaii and which were necessary to properly effectuate the intent of this bill. These corrections and changes are as follows:

- (1) In Section 1, paragraph (3), the fiscal year "1997-1898" has been corrected to read "1997-1998";
- (2) The references to 1995 Regular Session H.B. Nos. in Section 3 have been replaced with the companion Special Session H.B. Nos; and
- (3) The last Section has been renumbered from 7 to 6.

S.B. No. 304, H.D. 1, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 304, H.D. 1, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 5-S Ways and Means on S.B. No. 5-S**

The purpose of the bill is to appropriate funds to address the housing needs of the former employees of Waialua Sugar Company.

This bill is intended to replace S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, of the 1995 Regular Session except that in Section 3, the word "that" has been deleted to make the first sentence in the second paragraph grammatically correct.

S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 6-S Ways and Means on S.B. No. 6-S**

The purpose of this bill is to appropriate \$1,000,000, to support the Hawaiian Sugar Planters' Association's efforts to conduct sugarcane research, improve current crops, and explore diversified agricultural alternatives.

This bill is intended to replace S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, of the 1995 Regular Session.

S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 7-S Ways and Means on S.B. No. 7-S**

The purpose of this bill is to establish an office of elections separate from the office of the lieutenant governor, to administer all elections in our State and to provide that the lieutenant governor shall exercise duties as may be assigned by the governor.

This bill is intended to replace S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, of the 1995 Regular Session except that a new provision (Section 13) has been added to ensure that amendments made to the same sections by other bills are preserved and not superseded by this bill.

S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your

Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 8-S Ways and Means on S.B. No. 8-S**

The purpose of this bill is to appropriate funds for the establishment of a temporary Hui 'Imi advisory council within the office of the lieutenant governor.

This bill is intended to replace S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session.

S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 9-S Ways and Means on S.B. No. 9-S**

The purpose of this bill is to authorize the issuance of up to \$6,000,000 in special purpose revenue bonds to relocate a medical waste incineration and disposal facility developed by Pacific Controls, Inc., from Waipahu to the Campbell Industrial Park.

This bill is intended to replace S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session except that in Section 2, second sentence, the word "expressed" has been changed to "express".

S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 10-S Ways and Means on S.B. No. 10-S**

The purpose of this bill is to increase the limitation currently placed on tax exempt revenue bonds for the Hula Mae single family mortgage purchase program from \$1,275,000,000 to \$1,775,000,000.

This bill is intended to replace S.B. No. 1699, S.D. 2, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1699, S.D. 2, of the 1995 Regular Session.

S.B. No. 1699, S.D. 2, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1699, S.D. 2, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 11-S Ways and Means on S.B. No. 11-S**

The purpose of this bill is to enable the housing finance and development corporation to utilize available affordable housing moneys in a more efficient manner and provide various forms of housing assistance to the displaced employees of several major agricultural operations currently in the process of closure.

This bill is intended to replace S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1701, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session.

S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 12-S Ways and Means on S.B. No. 12-S**

The purpose of this bill is to clarify the powers and duties of the clean Hawaii center.

This bill is intended to replace S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, of the 1995 Regular Session.

S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.



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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 13-S Ways and Means on S.B. No. 13-S**

The purpose of this bill is to appropriate funds from the general revenues of the State of Hawaii to satisfy claims for legislative relief, judgments against the State, settlements, and miscellaneous claims.

This bill is intended to replace S.B. No. 1763, S.D. 1, H.D. 2, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1763, S.D. 1, H.D. 2, of the 1995 Regular Session, except that claims for Schroeder, Mark Development, Inc., and Silva have been added.

S.B. No. 1763, S.D. 1, H.D. 2, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1763, S.D. 1, H.D. 2, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 14-S Ways and Means on S.B. No. 14-S**

The purpose of this bill is to appropriate or authorize funds for all collective bargaining cost items in the agreements negotiated with the exclusive bargaining representatives of collective bargaining units 3, 4, and 13, and for salary increases and other cost adjustments for state officers and employees excluded from collective bargaining.

This bill is intended to replace S.B. No. 1797, H.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1797, H.D. 1, of the 1995 Regular Session.

S.B. No. 1797, H.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1797, H.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

**SCRep. 15-S Ways and Means on S.B. No. 15-S**

The purpose of this bill is to appropriate funds for: (1) the operation of the public access room at the State Capitol; (2) the production and distribution of television broadcasts of legislative proceedings during fiscal year 1995-1996; (3) the installation of electronic hardware and broadcast equipment at the State Capitol; and (4) the purchase of taping and broadcast equipment to enable the timely rebroadcast of state legislative programs on the neighbor islands.

This bill is intended to replace S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, one of the appropriation bills that was passed in the 1995 Regular Session.

According to the Governor's Proclamation dated May 24, 1995, convening this Special Session of the Legislature, certain appropriation bills passed during the Regular Session of 1995 were passed prior to the transmittal of the general appropriations bill to the Governor in violation of the requirements of Section 9 of Article VII of the State Constitution. The opinion of the Attorney General of the State of Hawaii is that these appropriation bills are affected by the inadvertent tardy transmittal of the general appropriations bill and cannot validly become law.

Your Committee notes that this bill is identical to S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, of the 1995 Regular Session except that in Section 11, the effective date has been changed to provide that Section 6 take effect on 6/29/95.

S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, was fully heard and discussed and duly considered by the Eighteenth Legislature, Regular Session of 1995. Accordingly, its intent and substance have not been reconsidered by your Committee. However, it is your Committee's intent that the Committee report that accompanied S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, and the bill's entire record in the 1995 Regular Session be retained as the expression of the Legislature's purpose and intent on this Special Session bill.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Fukunaga, Kawamoto, Solomon, Taniguchi).

#### **SCRep. 16-S Ways and Means on H.B. No. 1-S**

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

This bill is identical to H.B. No. 898, H.D. 2, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

#### **SCRep. 17-S Ways and Means on H.B. No. 2-S**

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

This bill is identical to H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

#### **SCRep. 18-S Ways and Means on H.B. No. 3-S**

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

In addition, this bill:

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

This bill is identical to H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 19-S Ways and Means on H.B. No. 4-S**

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

Except for the technical, nonsubstantive difference noted in House Standing Committee Report No. 4-S, this bill is identical to H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 20-S Ways and Means on H.B. No. 5-S**

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

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

This bill is identical to H.B. No. 1903, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 21-S Ways and Means on H.B. No. 6-S**

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

Except for the technical, nonsubstantive differences as noted in House Standing Committee Report No. 6-S, this bill is identical to H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

Your Committee has amended this bill to correct a typographical error by removing the bracket before the word "committee" on page 41, line 21.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 6-S, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 6-S, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 22-S Ways and Means on H.B. No. 7-S**

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

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

Except for the technical, nonsubstantive differences noted in House Standing Committee Report No. 7-S, this bill is identical to H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

#### **SCRep. 23-S Ways and Means on H.B. No. 8-S**

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

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

This bill is identical to H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

#### **SCRep. 24-S Ways and Means on H.B. No. 9-S**

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

This bill is identical to H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

#### **SCRep. 25-S Ways and Means on H.B. No. 10-S**

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

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

Except for the technical, nonsubstantive differences noted in House Standing Committee Report No. 10-S, this bill is identical to H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 26-S Ways and Means on H.B. No. 11-S**

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

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

Except for the differences noted in House Standing Committee Report No. 11-S, this bill is identical to H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, which was passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

Your Committee has amended the bill to address technical barriers to implementation by amending section 2 of the bill to clarify that the establishment of new appropriation accounts does not apply to appropriations made for capital improvement projects and where specific law provides otherwise.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 11-S, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 11-S, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 27-S Ways and Means on H.B. No. 12-S**

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

Among other things, this bill:

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

This bill is identical to H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 28-S Ways and Means on H.B. No. 13-S**

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

Except for the technical, nonsubstantive differences noted in House Standing Committee Report No. 13-S, this bill is identical to H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 29-S Ways and Means on H.B. No. 14-S**

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

This bill is identical to H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 30-S Ways and Means on H.B. No. 15-S**

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

This bill is identical to H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 31-S Ways and Means on H.B. No. 16-S**

The purpose of this bill is to:

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

This bill is identical to H.B. No. 1133, H.D. 2, S.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 32-S Ways and Means on H.B. No. 32-S**

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

This bill is identical to H.B. No. 331, S.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.  
Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 33-S Ways and Means on H.B. No. 18-S**

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

This bill is identical to H.B. No. 745, H.D. 2, S.D. 2, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.  
Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 34-S Ways and Means on H.B. No. 19-S**

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

This bill is identical to H.B. No. 2021, H.D. 1, which was fully heard, discussed, duly considered, and passed by the Legislature during the 1995 Regular Session, but was deemed invalid due to the tardy transmittal of the general appropriations bill to the Governor.

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

Signed by the Chairman on behalf of the Committee.  
Ayes, 8. Noes, none. Excused, 3 (Bunda, Fernandes Salling, Solomon).

**SCRep. 35-S Ways and Means on H.B. No. 20-S**

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

Your Committee has amended this bill by:

- (1) Changing the effective date to read: "This Act, upon approval, shall apply to taxable years beginning after December 31, 1994";
- (2) Changing the sunset date for the tax credit from December 31, 1996 to June 30, 1997;
- (3) Moving the bracket on page 4, line 20 after rather than before the "(f)"; and
- (4) Correcting a spelling error.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 20-S, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 20-S, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.  
Ayes, 7. Noes, none. Excused, 4 (Fernandes Salling, Fukunaga, Kanno, Solomon).

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. 1-S A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE	1 1	1	3	5	17			15		24	
S.B. 2-S A BILL FOR AN ACT RELATING TO CRIME	1 1	1	3	5 6	17			15		25	
S.B. 3-S A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION	1 1	1	3	5	17			15		26	
S.B. 4-S A BILL FOR AN ACT RELATING TO STATE BONDS	2 2	2	3	5	9 13		13	15		28	
S.B. 5-S A BILL FOR AN ACT RELATING TO HOUSING	2 2	2	3	5	17			15		31	
S.B. 6-S A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT	2 2	2	3	5	17			15		29	
S.B. 7-S A BILL FOR AN ACT RELATING TO ELECTIONS	2 2	2	3	5	17			15		27	
S.B. 8-S A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS	2 2	2	3	5	17			15		15	
S.B. 9-S A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT	2 2	2	13	5 6	17			16		33	



NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. 10-S A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAM	2 2	2	3	5	17			15		1	
S.B. 11-S A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS	2 2	2	3	5	17			15		30	
S.B. 12-S A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER	2 2	2	4	5	17			15		2	
S.B. 13-S A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR	2 2	2	4	6	17			15		3	
S.B. 14-S A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS	2 2	2	4	6	17			15		4	
S.B. 15-S A BILL FOR AN ACT RELATING TO PUBLIC ACCESS	2 2	2	4	6	17			15		5	

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. 1-S RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, EIGHTEENTH LEGISLATURE OF THE STATE OF HAWAII, SPECIAL SESSION OF 1995, WITH AN INSPIRATIONAL INVOCATION.	13			14
S.R. 2-S AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE FOR THE FIFTH DAY.	14			14
S.R. 3-S INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.	14			14

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. 1-S A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS	6 6	6	7 9	12				15		6	
H.B. 2-S A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION	6 6	6	7 9	12				15		7	
H.B. 3-S A BILL FOR AN ACT RELATING TO COFFEE	6 6	6	7 9	12				15		8	
H.B. 4-S A BILL FOR AN ACT RELATING TO INSURANCE	6 6	6	7 9	12				16		32	
H.B. 5-S A BILL FOR AN ACT RELATING TO EDUCATION	6 6	6	7 9	12				15		9	
H.B. 6-S A BILL FOR AN ACT RELATING TO ELECTIONS	6 6	6	7 9	11	17			15		10	
H.B. 7-S A BILL FOR AN ACT RELATING TO STATE FUNDS	6 6	6	7 9	12				15		11	
H.B. 8-S A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND	6 6	6	7 9	12				15		12	
H.B. 9-S A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR	6 6	6	7 9	13				15		13	

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
COMPANY WORKERS											
H.B. 10-S A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS	6 6	6	7 9	13				15		14	
H.B. 11-S A BILL FOR AN ACT RELATING TO STATE FINANCES	6 6	6	7 9	11	17			15		15	
H.B. 12-S A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE	6 6	6	7 9	13				15		16	
H.B. 13-S A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND	6 6	6	8 10	13				15		17	
H.B. 14-S A BILL FOR AN ACT RELATING TO THE JUDICIARY	6 6	7	8 10	13				15		18	
H.B. 15-S A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET	6 6	7	8 10	13				15		19	
H.B. 16-S A BILL FOR AN ACT RELATING TO AGRICULTURE	6 6	7	8 10	13				15		20	
H.B. 17-S A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS	6 6	7	8 10	13				16		34	
H.B. 18-S A BILL FOR AN ACT	6	7	8	13				15		21	

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NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM	6		10								
H.B. 19-S A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES	6 6	7	8 10	13				15		22	
H.B. 20-S A BILL FOR AN ACT RELATING TO MEDICAL SERVICES EXCISE TAX CREDIT	6 6	7	8 10	11	17			15		23	