

**HAWAII STATE  
HOUSE OF REPRESENTATIVES**

**SPECIAL SESSION OF 2009**

***ROUGH DRAFT  
JOURNAL***

**JULY 15, 2009**



*All Mini and Rough Draft Journals are provided as an informational service only and are not intended to replace the permanent bound version of the House Journal which is the official certified record. The daily Mini Journals and Rough Draft Journals are subject to correction and approval, and should not be relied upon, quoted or cited as an official record.*

*The **Mini Journal** is produced for each legislative day and shows all action which took place on the Chamber Floor, including all bills and resolutions introduced, referrals, readings, all motions and votes, and Governor's Messages and other Communications. The Mini Journal does not include verbatim floor remarks or announcements made.*

*The Mini Journal is generally available the next legislative day following each day's session and may be obtained at the House Printshop.*

*The **Rough Draft Journal** includes verbatim floor remarks, written remarks, announcements and introductions made on the Chamber Floor. Copies of the Rough Draft Journal may be obtained at the House Printshop as they become available.*

*The **bound version of the House Journal** is the official certified record of the proceedings of the House of Representatives. Once certified, the official permanent record is published and bound after the close of the Regular or Special Session of the Legislature.*

THE  
TWENTY-FIFTH LEGISLATURE  
STATE OF HAWAII  
SPECIAL SESSION OF 2009  
JOURNAL OF THE HOUSE

Wednesday, July 15, 2009

In accordance with the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii convened in Special Session on Wednesday, July 15, 2009.

The Honorable Calvin K.Y. Say, member of the Twentieth District, having been elected Speaker of the House of Representatives on the Opening Day of the Twenty-Fifth Legislature and retaining that position under the provision of Rule 1.5 of the Rules of the House of Representatives, called the House to order at 11:43 o'clock a.m., announcing:

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

"This day of July 15th is the 45th day after adjournment sine die of the Regular Session of 2009. The House will now come to order."

The invocation was delivered by Rowena "Aunty Ronie" Low of the House Sergeant-at-Arms Office, after which the Roll was called showing all Members present with the exception of Representatives Berg, Bertram, Marumoto, Takai, Thielen and Ward, who were excused.

**INTRODUCTIONS**

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

Representative Sagum introduced his two sons, Mr. Mathew Sagum, who just graduated from High School in Palm Springs, and Mr. Daniel Sagum, who is in the U.S. Air Force.

Representative M. Oshiro introduced Mr. Casey Ching, a legislative aide from last Session; and Leilehua High School student shadows, Ms. Cheryl Alabaten who is doing a senior project on Global Warming, and Ms. Leselle Navarette, who has been his shadow for a month.

**GOVERNOR'S MESSAGES**

The following message from the Governor (Gov. Msg. No. 350) was announced by the Clerk and received for possible consideration:

Gov. Msg. No. 350, dated May 8, 2009, informing the House that on May 7, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 521 SD2 HD1

On May 7, 2009, Senate Bill No. 521, entitled "A Bill for an Act Relating to Real Property" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill would require the registrar's office within the Bureau of Conveyances to provide within ten days after the end of each week an image and index of all instruments and documents recorded during the week to a county designated as a central clearinghouse. Further, the registrar is prohibited from charging for the information and the bill prescribes the seven specific pieces of information the Bureau of Conveyances must provide and the manner in which the information must be delivered.

Currently the Bureau of Conveyances already provides to several entities on a daily basis in electronic format data on all of the transactions that have occurred in the registrar's office for the previous day. At least one county, the City and County of Honolulu, has the ability to extract from this data the information needed by all counties for real property assessment purposes. However, the City and County of Honolulu instead relies on a third party to provide their real property assessment information. This bill would unnecessarily shift this burden to the Bureau of Conveyances and require that they provide this data within a statutorily set deadline, regardless of the impact on their other duties.

Further, this bill prescribes the exact data that must be provided, making it difficult, without changing the law, to revamp the format or type of information the counties may require. Additionally, this bill restricts the State from charging the county for the work involved in providing the information every week. While the State does not currently charge for the electronic data they provide to third parties on a daily basis, we should not be precluded from considering charges at a future time when it may be warranted.

The State remains receptive to entering into written agreements with the counties to ensure that the counties receive the data they need in a manner that best fits their individual requirements.

For the foregoing reasons, I allowed Senate Bill No. 521 to become law as Act 57, effective May 7, 2009, without my signature.

Sincerely,  
  
/s/  
LINDA LINGLE"

The following messages from the Governor (Gov. Msg. Nos. 351 through 464) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 351, dated May 5, 2009, transmitting the Department of Labor and Industrial Relations' (DLIR) Survey on the Feasibility of Establishing a Language Access Resource Center in Hawaii, pursuant to Senate Resolution 40, SD 1 and Senate Concurrent Resolution 67, SD 1, 2008 Regular Session.

Gov. Msg. No. 352, dated May 8, 2009, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2008.

Gov. Msg. No. 353, informing the House that on May 18, 2009, the following bill was signed into law:

H.B. No. 1101, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES." (ACT 062)

ROUGH DRAFT

Gov. Msg. No. 354, informing the House that on May 18, 2009, the following bill was signed into law:

H.B. No. 179, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES." (ACT 063)

Gov. Msg. No. 355, informing the House that on May 18, 2009, the following bill was signed into law:

H.B. No. 1016, HD 2, SD 1, CD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES." (ACT 064)

Gov. Msg. No. 356, dated May 18, 2009, transmitting the Department of Public Safety's Report to the Twenty-Fifth Legislature pursuant to Hawaii Revised Statutes §487N-4.

Gov. Msg. No. 357, dated May 18, 2009, transmitting the Access Hawaii Committee and the Department of Accounting and General Services' Annual Report on the Operation of the Internet Portal for the period July 1, 2007 through June 30, 2008.

Gov. Msg. No. 358, informing the House that on May 20, 2009, the following bill was signed into law:

H.B. No. 381, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND." (ACT 065)

Gov. Msg. No. 359, informing the House that on May 20, 2009, the following bill was signed into law:

S.B. No. 34, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MORTGAGE RESCUE FRAUD PREVENTION ACT." (ACT 066)

Gov. Msg. No. 360, informing the House that on May 20, 2009, the following bill was signed into law:

H.B. No. 1364, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET." (ACT 067)

Gov. Msg. No. 361, informing the House that on May 22, 2009, the following bill was signed into law:

H.B. No. 586, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KANEOHE BAY REGIONAL COUNCIL." (ACT 068)

Gov. Msg. No. 362, informing the House that on May 22, 2009, the following bill was signed into law:

H.B. No. 813, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS." (ACT 069)

Gov. Msg. No. 363, informing the House that on May 22, 2009, the following bill was signed into law:

S.B. No. 427, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION." (ACT 070)

Gov. Msg. No. 364, informing the House that on May 22, 2009, the following bill was signed into law:

H.B. No. 632, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY ADVISORY BOARD ON VETERANS' SERVICES." (ACT 071)

Gov. Msg. No. 365, informing the House that on May 26, 2009, the following bill was signed into law:

H.B. No. 1059, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER." (ACT 072)

Gov. Msg. No. 366, informing the House that on May 26, 2009, the following bill was signed into law:

S.B. No. 35, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES." (ACT 073)

Gov. Msg. No. 367, informing the House that on May 26, 2009, the following bill was signed into law:

H.B. No. 1061, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES." (ACT 074)

Gov. Msg. No. 368, informing the House that on May 26, 2009, the following bill was signed into law:

H.B. No. 1152, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMITTED PERSONS' ACCOUNTS." (ACT 075)

Gov. Msg. No. 369, informing the House that on May 26, 2009, the following bill was signed into law:

H.B. No. 1713, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDS." (ACT 076)

Gov. Msg. No. 370, dated May 22, 2009, transmitting the Department of Defense's Annual Report for fiscal year ending June 30, 2008.

Gov. Msg. No. 371, dated May 15, 2009, transmitting the 2008 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 372, informing the House that on May 28, 2009, the following bill was signed into law:

S.B. No. 892, SD 1, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 077)

Gov. Msg. No. 373, informing the House that on May 28, 2009, the following bill was signed into law:

S.B. No. 281, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE." (ACT 078)

Gov. Msg. No. 374, informing the House that on May 28, 2009, the following bill was signed into law:

S.B. No. 884, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS." (ACT 079)

Gov. Msg. No. 375, informing the House that on June 1, 2009, the following bill was signed into law:

S.B. No. 1223, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII MADE PRODUCTS." (ACT 080)

Gov. Msg. No. 376, informing the House that on June 1, 2009, the following bill was signed into law:

H.B. No. 1040, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY." (ACT 081)

Gov. Msg. No. 377, informing the House that on June 1, 2009, the following bill was signed into law:

S.B. No. 714, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES." (ACT 082)

Gov. Msg. No. 378, informing the House that on June 1, 2009, the following bill was signed into law:

S.B. No. 711, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 083)

Gov. Msg. No. 379, transmitting the Hawaii Sister States 2008 Annual Report prepared by the Department of Business, Economic Development & Tourism.

Gov. Msg. No. 380, informing the House that on June 2, 2009, the following bill was signed into law:

H.B. No. 35, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDIT." (ACT 084)

Gov. Msg. No. 381, informing the House that on June 2, 2009, the following bill was signed into law:

H.B. No. 1536, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES." (ACT 085)

Gov. Msg. No. 382, informing the House that on June 3, 2009, the following bill was signed into law:

S.B. No. 496, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS." (ACT 086)

Gov. Msg. No. 383, informing the House that on June 3, 2009, the following bill was signed into law:

H.B. No. 640, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS." (ACT 087)

Gov. Msg. No. 384, informing the House that on June 3, 2009, the following bill was signed into law:

H.B. No. 981, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." (ACT 088)

Gov. Msg. No. 385, informing the House that on June 3, 2009, the following bill was signed into law:

H.B. No. 1141, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT OPERATION." (ACT 089)

Gov. Msg. No. 386, dated May 12, 2009, transmitting the 2007 Annual Report of the State of Hawaii Enterprise Zones Program prepared by the Department of Business, Economic Development, & Tourism.

Gov. Msg. No. 387, dated May 22, 2009, transmitting the Department of Human Services' Report to the Legislature as requested by S.C.R. 106, S.D.1, adopted by the 2008 Hawaii State Legislature.

Gov. Msg. No. 388, informing the House that on June 5, 2009, the following bill was signed into law:

H.B. No. 615, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT." (ACT 090)

Gov. Msg. No. 389, informing the House that on June 5, 2009, the following bill was signed into law:

H.B. No. 1057, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII COLLEGE SAVINGS PROGRAM." (ACT 091)

Gov. Msg. No. 390, informing the House that on June 5, 2009, the following bill was signed into law:

H.B. No. 366, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MANTA RAYS." (ACT 092)

Gov. Msg. No. 391, informing the House that on June 5, 2009, the following bill was signed into law:

S.B. No. 109, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR JUVENILES." (ACT 093)

Gov. Msg. No. 392, informing the House that on June 8, 2009, the following bill was signed into law:

S.B. No. 1674, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 094)

Gov. Msg. No. 393, informing the House that on June 8, 2009, the following bill was signed into law:

S.B. No. 931, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS." (ACT 095)

Gov. Msg. No. 394, informing the House that on June 8, 2009, the following bill was signed into law:

S.B. No. 585, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING." (ACT 096)

Gov. Msg. No. 395, informing the House that on June 8, 2009, the following bill was signed into law:

H.B. No. 1103, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND CENTERS." (ACT 097)

Gov. Msg. No. 396, informing the House that on June 8, 2009, the following bill was signed into law:

H.B. No. 1807, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY." (ACT 098)

Gov. Msg. No. 397, informing the House that on June 8, 2009, the following bill was signed into law:

S.B. No. 1073, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES." (ACT 099)

Gov. Msg. No. 398, informing the House that on June 9, 2009, the following bill was signed into law:

H.B. No. 983, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 100)

Gov. Msg. No. 399, informing the House that on June 9, 2009, the following bill was signed into law:

S.B. No. 914, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE." (ACT 101)

Gov. Msg. No. 400, informing the House that on June 9, 2009, the following bill was signed into law:

H.B. No. 271, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY." (ACT 102)

Gov. Msg. No. 401, informing the House that on June 9, 2009, the following bill was signed into law:

S.B. No. 917, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THIRD PARTY LIABILITY FOR MEDICAID." (ACT 103)

Gov. Msg. No. 402, informing the House that on June 10, 2009, the following bill was signed into law:

S.B. No. 1066, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY." (ACT 104)

Gov. Msg. No. 403, informing the House that on June 10, 2009, the following bill was signed into law:

S.B. No. 564, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION." (ACT 105)

Gov. Msg. No. 404, informing the House that on June 10, 2009, the following bill was signed into law:

H.B. No. 1071, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS." (ACT 106)

Gov. Msg. No. 405, informing the House that on June 10, 2009, the following bill was signed into law:

H.B. No. 1070, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS." (ACT 107)

Gov. Msg. No. 406, informing the House that on June 10, 2009, the following bill was signed into law:

H.B. No. 814, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES." (ACT 108)

Gov. Msg. No. 407, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 1678, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS." (ACT 109)

Gov. Msg. No. 408, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 1628, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC." (ACT 110)

Gov. Msg. No. 409, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 427, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ONE PLANET PACIFIC ENERGY, LLC, A PROCESSING ENTERPRISE." (ACT 111)

Gov. Msg. No. 410, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 1627, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS." (ACT 112)

Gov. Msg. No. 411, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 426, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU." (ACT 113)

Gov. Msg. No. 412, informing the House that on June 11, 2009, the following bill was signed into law:

H.B. No. 1483, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR BETTER PLACE HAWAII, INC." (ACT 114)

Gov. Msg. No. 413, informing the House that on June 12, 2009, the following bill was signed into law:

S.B. No. 851, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 115)

Gov. Msg. No. 414, informing the House that on June 12, 2009, the following bill was signed into law:

S.B. No. 932, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS DISEASE TESTING." (ACT 116)

Gov. Msg. No. 415, informing the House that on June 12, 2009, the following bill was signed into law:

S.B. No. 967, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 117)

Gov. Msg. No. 416, informing the House that on June 12, 2009, the following bill was signed into law:

H.B. No. 28, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEAD HUMAN BODIES." (ACT 118)

Gov. Msg. No. 417, informing the House that on June 12, 2009, the following bill was signed into law:

S.B. No. 292, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS." (ACT 119)

Gov. Msg. No. 418, informing the House that on June 15, 2009, the following bill was signed into law:

S.B. No. 1352, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES." (ACT 120)

Gov. Msg. No. 419, informing the House that on June 15, 2009, the following bill was signed into law:

S.B. No. 876, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 121)

Gov. Msg. No. 420, informing the House that on June 15, 2009, the following bill was signed into law:

H.B. No. 1351, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE AGRICULTURAL PARKS." (ACT 122)

Gov. Msg. No. 421, informing the House that on June 16, 2009, the following bill was signed into law:

S.B. No. 389, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS." (ACT 123)

Gov. Msg. No. 422, informing the House that on June 16, 2009, the following bill was signed into law:

S.B. No. 91, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT." (ACT 124)

Gov. Msg. No. 423, informing the House that on June 16, 2009, the following bill was signed into law:

S.B. No. 1259, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE." (ACT 125)

Gov. Msg. No. 424, informing the House that on June 16, 2009, the following bill was signed into law:

S.B. No. 1008, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS." (ACT 126)

Gov. Msg. No. 425, informing the House that on June 16, 2009, the following bill was signed into law:

S.B. No. 937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH." (ACT 127)

Gov. Msg. No. 426, informing the House that on June 17, 2009, the following bill was signed into law:

H.B. No. 876, HD 1, SD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 128)

Gov. Msg. No. 427, informing the House that on June 17, 2009, the following bill was signed into law:

S.B. No. 1107, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 129)

Gov. Msg. No. 428, informing the House that on June 17, 2009, the following bill was signed into law:

S.B. No. 1263, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS." (ACT 130)

Gov. Msg. No. 429, dated June 9, 2009, transmitting the Report to the Legislature on the Use of Funds for Physician On-Call for Trauma Services for Acute Care Hospital Emergency Rooms in Hilo, Kona and on Maui, pursuant to Act 213, SLH 2007.

Gov. Msg. No. 430, informing the House that on June 18, 2009, the following bill was signed into law:

S.B. No. 113, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS." (ACT 131)

Gov. Msg. No. 431, informing the House that on June 18, 2009, the following bill was signed into law:

H.B. No. 1174, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 132)

Gov. Msg. No. 432, informing the House that on June 18, 2009, the following bill was signed into law:

S.B. No. 971, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 133)

Gov. Msg. No. 433, informing the House that on June 18, 2009, the following bill was signed into law:

S.B. No. 972, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION." (ACT 134)

Gov. Msg. No. 434, dated June 17, 2009, transmitting the Quarterly Report to the Legislature of the State of Hawaii on Act 2, Second Special Session Laws of Hawaii 2007, Conditions, Protocols and Costs, prepared pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session.

Gov. Msg. No. 435, informing the House that on June 19, 2009, the following bill was signed into law:

H.B. No. 618, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT." (ACT 135)

Gov. Msg. No. 436, informing the House that on June 19, 2009, the following bill was signed into law:

S.B. No. 523, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY." (ACT 136)

Gov. Msg. No. 437, informing the House that on June 19, 2009, the following bill was signed into law:

H.B. No. 610, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY." (ACT 137)

Gov. Msg. No. 438, informing the House that on June 22, 2009, the following bill was signed into law:

S.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION." (ACT 138)

Gov. Msg. No. 439, informing the House that on June 22, 2009, the following bill was signed into law:

H.B. No. 300, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 139)

Gov. Msg. No. 440, informing the House that on June 22, 2009, the following bill was signed into law:

H.B. No. 900, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS." (ACT 140)

Gov. Msg. No. 441, informing the House that on June 22, 2009, the following bill was signed into law:

S.B. No. 1268, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING." (ACT 141)

Gov. Msg. No. 442, informing the House that on June 22, 2009, the following bill was signed into law:

S.B. No. 440, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES." (ACT 142)

Gov. Msg. No. 443, informing the House that on June 22, 2009, the following bill was signed into law:

H.B. No. 1045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION." (ACT 143)

Gov. Msg. No. 444, informing the House that on June 23, 2009, the following bill was signed into law:

S.B. No. 1069, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY." (ACT 144)

Gov. Msg. No. 445, informing the House that on June 23, 2009, the following bill was signed into law:

H.B. No. 643, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS." (ACT 145)

Gov. Msg. No. 446, informing the House that on June 24, 2009, the following bill was signed into law:

H.B. No. 899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS." (ACT 146)

Gov. Msg. No. 447, informing the House that on June 24, 2009, the following bill was signed into law:

H.B. No. 1166, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND." (ACT 147)

Gov. Msg. No. 448, informing the House that on June 24, 2009, the following bill was signed into law:

H.B. No. 1696, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY." (ACT 148)

Gov. Msg. No. 449, informing the House that on June 24, 2009, the following bill was signed into law:

H.B. No. 262, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD." (ACT 149)

Gov. Msg. No. 450, informing the House that on June 24, 2009, the following bill was signed into law:

S.B. No. 21, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT." (ACT 150)

Gov. Msg. No. 451, informing the House that on June 25, 2009, the following bill was signed into law:

S.B. No. 1142, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS." (ACT 151)

Gov. Msg. No. 452, informing the House that on June 25, 2009, the following bill was signed into law:

S.B. No. 1164, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN." (ACT 152)

Gov. Msg. No. 453, informing the House that on June 25, 2009, the following bill was signed into law:

S.B. No. 868, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES." (ACT 153)

Gov. Msg. No. 454, informing the House that on June 25, 2009, the following bill was signed into law:

S.B. No. 464, SD 2, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 154)

Gov. Msg. No. 455, informing the House that on June 25, 2009, the following bill was signed into law:

H.B. No. 1464, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES." (ACT 155)

Gov. Msg. No. 456, informing the House that on June 25, 2009, the following bill was signed into law:

S.B. No. 1202, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES." (ACT 156)

Gov. Msg. No. 457, dated June 26, 2009, transmitting the Comprehensive Annual Financial Report to the State of Hawaii for the fiscal year ended June 30, 2008, prepared by the Comptroller, pursuant to Section 40-5, Hawaii Revised Statutes.

Gov. Msg. No. 458, informing the House that on June 26, 2009, the following bill was signed into law:

S.B. No. 1065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY." (ACT 157)

Gov. Msg. No. 459, informing the House that on June 26, 2009, the following bill was signed into law:

H.B. No. 1415, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS." (ACT 158)

Gov. Msg. No. 460, informing the House that on June 26, 2009, the following bill was signed into law:

H.B. No. 1512, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS." (ACT 159)

Gov. Msg. No. 461, informing the House that on June 26, 2009, the following bill was signed into law:

S.B. No. 1222, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HUMANE TREATMENT OF PET ANIMALS." (ACT 160)

Gov. Msg. No. 462, informing the House that on June 29, 2009, the following bill was signed into law:

S.B. No. 536, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE." (ACT 161)

Gov. Msg. No. 463, informing the House that on June 29, 2009, the following bill was signed into law:

H.B. No. 200, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 162)

Gov. Msg. No. 464, informing the House that on June 29, 2009, the following bill was signed into law:

H.B. No. 34, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 163)

The following message from the Governor (Gov. Msg. No. 465) was announced by the Clerk and received for possible consideration:

Gov. Msg. No. 465, dated June 30, 2009, transmitting 65 proclamations giving notice to the House of the Governor's plans to return the following bills with her objections:

H.B. No. 31, SD1, CD1 A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES

H.B. No. 36, HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO HEALTH

H.B. No. 128, HD1, SD1, CD2 A BILL FOR AN ACT RELATING TO ELECTIONS

H.B. No. 183, HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO EDUCATION

H.B. No. 343, HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTH CARE TRAINING

H.B. No. 358, HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO DRUG TREATMENT

H.B. No. 541, HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO CIVIL SERVICE PERSONNEL

H.B. No. 589, HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES

H.B. No. 590, HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES

H.B. No. 690, HD2, SD2, CD1 A BILL FOR AN ACT RELATING TO INSURANCE

|                                 |  |                                 |  |
|---------------------------------|--|---------------------------------|--|
| H.B. No. 754,<br>HD1, SD1, CD2  | A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY                   | S.B. No. 1,<br>SD1, HD2, CD1    | A BILL FOR AN ACT RELATING TO OPIHI                                    |
| H.B. No. 952,<br>HD1, SD2, CD1  | A BILL FOR AN ACT RELATING TO LABOR  | S.B. No. 19,<br>SD1, HD2, CD1   | A BILL FOR AN ACT RELATING TO PROCUREMENT                              |
| H.B. No. 975,<br>HD1, SD1, CD1  | A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS                     | S.B. No. 43,<br>SD2, HD2, CD1   | A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT           |
| H.B. No. 982,<br>HD3, SD1, CD1  | A BILL FOR AN ACT RELATING TO FAMILY LEAVE                                   | S.B. No. 50,<br>SD1, HD2, CD1   | A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY PRODUCERS               |
| H.B. No. 986,<br>HD1, SD1, CD1  | A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES                       | S.B. No. 199,<br>SD1, HD1, CD2  | A BILL FOR AN ACT RELATING TO TAXATION                                 |
| H.B. No. 989,<br>HD1, SD2, CD1  | A BILL FOR AN ACT RELATING TO CHILDREN'S HEALTH CARE                         | S.B. No. 266,<br>SD2, HD2, CD1  | A BILL FOR AN ACT RELATING TO GLOBAL WARMING                           |
| H.B. No. 1271,<br>HD3, SD2, CD1 | A BILL FOR AN ACT RELATING TO GOVERNMENT                                     | S.B. No. 300,<br>SD2, HD2, CD1  | A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR                      |
| H.B. No. 1316,<br>HD2, SD1, CD1 | A BILL FOR AN ACT RELATING TO TORTS  | S.B. No. 387,<br>SD1, HD1, CD2  | A BILL FOR AN ACT RELATING TO THE STATE BUDGET                         |
| H.B. No. 1379,<br>HD2, SD2, CD1 | A BILL FOR AN ACT RELATING TO PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT | S.B. No. 415,<br>SD2, HD1, CD1  | A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES                       |
| H.B. No. 1405,<br>HD2, SD2, CD1 | A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX                         | S.B. No. 420,<br>SD2, HD2       | A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE                    |
| H.B. No. 1470,<br>HD1, SD1, CD1 | A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE                 | S.B. No. 423,<br>SD1, HD2, CD1  | A BILL FOR AN ACT RELATING TO HEALTH                                   |
| H.B. No. 1471,<br>HD2, SD1, CD1 | A BILL FOR AN ACT RELATING TO FARMS  | S.B. No. 470,<br>HD1, CD1       | A BILL FOR AN ACT RELATING TO LIQUOR                                   |
| H.B. No. 1479,<br>HD2, SD1, CD1 | A BILL FOR AN ACT RELATING TO LABOR  | S.B. No. 539,<br>SD1, HD1, CD1  | A BILL FOR AN ACT RELATING TO CORRECTIONS                              |
| H.B. No. 1504,<br>HD1, SD2, CD1 | A BILL FOR AN ACT RELATING TO HEALTH   | S.B. No. 603,<br>SD1, HD1, CD1  | A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES                         |
| H.B. No. 1525,<br>HD1, SD2, CD1 | A BILL FOR AN ACT RELATING TO MEDICAID                                       | S.B. No. 605,<br>SD1, HD3, CD1  | A BILL FOR AN ACT RELATING TO NOISE                                    |
| H.B. No. 1538,<br>HD1, SD1      | A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS             | S.B. No. 695,<br>SD1, HD1, CD1  | A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION                    |
| H.B. No. 1544,<br>HD1, SD1, CD1 | A BILL FOR AN ACT RELATING TO TAX EXEMPTIONS                                 | S.B. No. 777,<br>SD1, HD1       | A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION |
| H.B. No. 1550,<br>HD2, SD1, CD1 | A BILL FOR AN ACT RELATING TO TAXATION                                       | S.B. No. 912,<br>SD2, HD2, CD1  | A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS                      |
| H.B. No. 1552,<br>HD2, SD2, CD1 | A BILL FOR AN ACT RELATING TO PUBLIC LANDS                                   | S.B. No. 1005,<br>SD2, HD2, CD1 | A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS                         |
| H.B. No. 1611,<br>HD2, SD2, CD1 | A BILL FOR AN ACT RELATING TO LABELING OF MEAT AND FISH PRODUCTS             | S.B. No. 1058,<br>SD2, HD2, CD1 | A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES                    |
| H.B. No. 1676,<br>HD1, SD2, CD1 | A BILL FOR AN ACT RELATING TO PUBLIC WORKS                                   | S.B. No. 1160,<br>SD2, HD2, CD1 | A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY      |
| H.B. No. 1692,<br>HD2, SD2, CD1 | A BILL FOR AN ACT RELATING TO HOUSING  | S.B. No. 1183,<br>SD2, HD2, CD1 | A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES                 |
| H.B. No. 1809,<br>HD2, SD1, CD1 | A BILL FOR AN ACT RELATING TO RECYCLING                                      | S.B. No. 1206,<br>SD1, HD1, CD1 | A BILL FOR AN ACT RELATING TO COUNTIES                                 |
|                                 |  | S.B. No. 1218,<br>SD2, HD2, CD1 | A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS                |

S.B. No. 1224, A BILL FOR AN ACT RELATING TO  
SD1, HD2, CD1 AIRPORT CONCESSIONS

S.B. No. 1248, A BILL FOR AN ACT RELATING TO STATE  
SD1, HD1, CD1 ENTERPRISE ZONES

S.B. No. 1250, A BILL FOR AN ACT RELATING TO  
SD1, HD1, CD1 EDUCATION

S.B. No. 1345, A BILL FOR AN ACT RELATING TO  
SD1, HD1, CD1 AGRICULTURE

S.B. No. 1350, A BILL FOR AN ACT RELATING TO  
SD2, HD1, CD1 KAKAAKO

S.B. No. 1665, A BILL FOR AN ACT RELATING TO HIGHER  
SD2, HD1, CD1 EDUCATION

S.B. No. 1673, A BILL FOR AN ACT RELATING TO THE  
SD2, HD2, CD1 HAWAII HEALTH SYSTEMS CORPORATION

S.B. No. 1678, A BILL FOR AN ACT RELATING TO  
SD3, HD1, CD1 TAXATION

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 31, entitled "A Bill for an Act Relating to Employment Practices," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 31 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 31 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 36, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 36 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 36 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 128, entitled "A Bill for an Act Relating to Elections," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 128 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 128 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 183, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 183 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 183 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,

ROUGH DRAFT

State of Hawaii, this 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 343, entitled "A Bill for an Act Relating to Rural Primary Health Care Training," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 343 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 343 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 358, entitled "A Bill for an Act Relating to Drug Treatment," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 358 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 358 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 541, entitled "A Bill for an Act Relating to Civil Service Personnel," was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 541 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 541 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 589, entitled "A Bill for an Act Relating to Renewable Energy Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 589 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 589 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 590, entitled "A Bill for an Act Relating to Renewable Energy Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 590 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 590 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 690, entitled "A Bill for an Act Relating to Insurance," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 690 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 690 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 754, entitled "A Bill for an Act Relating to the Hawaii Tourism Authority," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 754 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of

Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 754 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 952, entitled "A Bill for an Act Relating to Labor," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 952 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 952 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 975, entitled "A Bill for an Act Relating to Agricultural Water Systems," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 975 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 975 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 982, entitled "A Bill for an Act Relating to Family Leave," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 982 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 982 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 986, entitled "A Bill for an Act Relating to Public School Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 986 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 986 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

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

WHEREAS, House Bill No. 989, entitled "A Bill for an Act Relating to Children's Health Care," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 989 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 989 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1271, entitled "A Bill for an Act Relating to Government," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1271 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1271 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1316, entitled "A Bill for an Act Relating to Torts," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1316 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1316 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1379, entitled "A Bill for an Act Relating to Physician Orders for Life Sustaining Treatment," was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1379 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1379 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1405, entitled "A Bill for an Act Relating to the General Excise Tax," was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1405 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1405 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1470, entitled "A Bill for an Act Relating to Hawaii Public Procurement Code," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1470 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1470 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1471, entitled "A Bill for an Act Relating to Farms," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1471 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1471 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1479, entitled "A Bill for an Act Relating to Labor," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1479 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1479 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1504, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1504 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1504 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1525, entitled "A Bill for an Act Relating to Medicaid," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1525 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1525 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1538, entitled "A Bill for an Act Relating to Environmentally-sensitive Products," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1538 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1538 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, House Bill No. 1544, entitled "A Bill for an Act Relating to Tax Exemptions," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1544 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1544 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1550, entitled "A Bill for an Act Relating to Taxation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1550 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1550 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1552, entitled "A Bill for an Act Relating to Public Lands," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1552 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1552 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 30th day

of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1611, entitled "A Bill for an Act Relating to Labeling of Meat and Fish Products," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1611 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1611 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 30th day of  
June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1676, entitled "A Bill for an Act Relating to Public Works," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1676 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1676 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 30th day of  
June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

ROUGH DRAFT

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

WHEREAS, House Bill No. 1692, entitled "A Bill for an Act Relating to Housing," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1692 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1692 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 30th day of  
June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, House Bill No. 1809, entitled "A Bill for an Act Relating to Recycling," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1809 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1809 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1, entitled "A Bill for an Act Relating to Opihi," was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 19, entitled "A Bill for an Act Relating to Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 19 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 19 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 43, entitled "A Bill for an Act Relating to Physician Workforce Assessment," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 43 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of

Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 43 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 50, entitled "A Bill for an Act Relating to Renewable Energy Producers," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 50 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 50 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 199, entitled "A Bill for an Act Relating to Taxation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 199 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 199 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 266, entitled "A Bill for an Act Relating to Global Warming," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 266 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 266 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 300, entitled "A Bill for an Act Relating to Intoxicating Liquor," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 300 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 300 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

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

WHEREAS, Senate Bill No. 387, entitled "A Bill for an Act Relating to the State Budget," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 387 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 387 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 415, entitled "A Bill for an Act Relating to Home Care Agencies," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 415 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 415 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 420, entitled "A Bill for an Act Relating to Naturopathic Medicine," was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 420 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 420 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 423, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 423 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 423 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 470, entitled "A Bill for an Act Relating to Liquor," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 470 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 470 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 539, entitled "A Bill for an Act Relating to Corrections," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 539 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 539 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 603, entitled "A Bill for an Act Relating to Public Utilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 603 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 603 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 605, entitled "A Bill for an Act Relating to Noise," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 605 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 605 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

WHEREAS, Senate Bill No. 695, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 695 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 695 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION"**

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

ROUGH DRAFT

WHEREAS, Senate Bill No. 777, entitled "A Bill for an Act Relating to Comprehensive Sexuality Health Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 777 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 777 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 912, entitled "A Bill for an Act Relating to Permanency Hearings," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 912 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 912 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1005, entitled "A Bill for an Act Relating to Publicity Rights," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1005 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1005 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1058, entitled "A Bill for an Act Relating to Controlled Substances," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1058 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1058 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

#### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1160, entitled "A Bill for an Act Relating to the Hawaii Public Housing Authority," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1160 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1160 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 30th

day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1183, entitled "A Bill for an Act Relating to Discriminatory Practices," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1183 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1183 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1206, entitled "A Bill for an Act Relating to Counties," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1206 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1206 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1218, entitled "A Bill for an Act Relating to Mortgage Loan Originators," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1218 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1218 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1224, entitled "A Bill for an Act Relating to Airport Concessions," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1224 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1224 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 30th day of  
June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

**"PROCLAMATION**

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

WHEREAS, Senate Bill No. 1248, entitled "A Bill for an Act Relating to State Enterprise Zones," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1248 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1248 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1250, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1250 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1250 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1345, entitled "A Bill for an Act Relating to Agriculture," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1345 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of

Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1345 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1350, entitled "A Bill for an Act Relating to Kakaako," was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1350 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1350 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 30th  
day of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

### "PROCLAMATION"

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

WHEREAS, Senate Bill No. 1665, entitled "A Bill for an Act Relating to Higher Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1665 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1665 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
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 the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1673, entitled "A Bill for an Act Relating to the Hawaii Health Systems Corporation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1673 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1673 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
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 the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1678, entitled "A Bill for an Act Relating to Taxation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1678 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1678 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 30th day  
of June, 2009.

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 466 through 469) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 466, informing the House that on July 1, 2009, the following bill was signed into law:

S.B. No. 659, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS." (ACT 164)

Gov. Msg. No. 467, informing the House that on July 1, 2009, the following bill was signed into law:

H.B. No. 1495, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE INCOME TAX." (ACT 165)

Gov. Msg. No. 468, informing the House that on July 1, 2009, the following bill was signed into law:

H.B. No. 1739, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 166)

Gov. Msg. No. 469, informing the House that on July 1, 2009, the following bill was signed into law:

S.B. No. 1195, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY." (ACT 167)

The following message from the Governor (Gov. Msg. No. 470) was announced by the Clerk and received for possible consideration:

Gov. Msg. No. 470, transmitting her statement of objections to H.B. No. 1405, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 1, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1405

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1405, entitled "A Bill for an Act Relating to the General Excise Tax."

The purpose of this bill is to establish the nexus standard when the State can tax out-of-state businesses that do not have a physical presence in Hawaii. Specifically, this bill requires out-of-state companies to pay the general excise tax if their Hawaii revenue is at least \$10,000 per year and they solicit business through Hawaii representatives who receive commission for referring customers, whether through the internet or in person. This bill also requires out-of-state businesses to pay taxes under Title 14 of the Hawaii Revised Statutes, such as income tax and transient accommodations tax, if their Hawaii revenue is at least \$100,000 per year or they transacted with at least 20 Hawaii residents per year.

This bill is objectionable because its content violates Article III, Section 14 of the Hawaii State Constitution, which provides that "each law shall embrace but one subject, which shall be expressed in its title." Since the title of this measure is "A Bill for an Act Relating to the General Excise Tax," it is questionable whether Part II of this bill, which applies to all taxes under Title 14, such as income tax, conveyance tax, cigarette tax, transient accommodations tax, and franchise taxes, is included in the subject of the title.

Second, this bill places the nexus language in the general tax administration chapter (Hawaii Revised Statutes Chapter 231). It is likely this placement will present constitutional challenges present in the United States Supreme Court cases of Quill v. North Dakota and Complete Auto Transit, Inc. v. Brady.

Because the imposition of the nexus standard in New York last year has led to a challenge by Amazon.com regarding the constitutionality of requiring out-of-state businesses with no physical presence to collect state

ROUGH DRAFT

sales and use taxes, it would be premature to enact legislation on this issue until the New York case is resolved.

Finally, given the State's current economic situation, this bill is harmful to small Hawaii businesses making customer referrals to out-of-state businesses and those in Hawaii developing an on-line media industry. Website developers use affiliate advertisements to cover the costs of operating and developing their sites. As a result of New York's law, Overstock.com canceled its New York affiliates program last year in order to avoid collecting sales tax. Companies such as Audible.com and Zappos.com have already notified their Hawaii affiliates that they will cancel their programs as a result of the Legislature's passage of this bill and will no longer pay commission for referrals made. This will handicap Hawaii entrepreneurs and place them at a competitive disadvantage to Mainland and international companies.

For the foregoing reasons, I am returning House Bill No. 1405 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 471 through 476) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 471, informing the House that on July 2, 2009, the following bill was signed into law:

S.B. No. 166, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 168)

Gov. Msg. No. 472, informing the House that on July 2, 2009, the following bill was signed into law:

H.B. No. 1378, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES." (ACT 169)

Gov. Msg. No. 473, informing the House that on July 2, 2009, the following bill was signed into law:

S.B. No. 1664, SD 2, HD 2, CD 1 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY." (ACT 170)

Gov. Msg. No. 474, informing the House that on July 2, 2009, the following bill was signed into law:

S.B. No. 1568, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE." (ACT 171)

Gov. Msg. No. 475, dated May 29, 2009, transmitting the Department of Human Services' FY 2007 and FY 2008 Annual Report to the Legislature as required by Section 346-5, Hawaii Revised Statutes.

Gov. Msg. No. 476, informing the House that on July 6, 2009, the following bill was signed into law:

S.B. No. 55, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY." (ACT 172)

The following messages from the Governor (Gov. Msg. Nos. 477 through 480) were announced by the Clerk and received for possible consideration:

Gov. Msg. No. 477, transmitting her statement of objections to H.B. No. 690, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 6, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 690

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 690, entitled "A Bill for an Act Relating to Insurance."

The purpose of this bill is to require all health insurers and employers who provide coverage to any regular employees in any group or association to offer the same coverage to part-time employees (persons working at least fifteen but less than twenty hours per week for at least eighteen months) of that employer.

This bill is objectionable because portions of the bill are preempted by the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1001, et seq., because they relate to an employee welfare benefit plan regulated by ERISA. ERISA supersedes state laws that relate to employee benefit plans.

Portions of this measure reference family coverage offered to regular workers by a group or association, i.e., an employer. This bill provides that the group or association "shall offer the same family coverage to part-time employees." The coverage offered to the regular employees is an employee welfare benefit plan per ERISA. The bill also imposes certain duties upon the employer regarding enrollment, premiums, and payments.

The health insurance coverage that the bill requires employers to provide for part-time employees is measured by reference to the existing health insurance coverage for regular employees and would be equivalent thereto. Employer-sponsored health insurance programs are subject to ERISA regulation and any state law imposing requirements by reference to such covered programs is preempted by ERISA.

For the foregoing reasons, I am returning House Bill No. 690 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 478, transmitting her statement of objections to H.B. No. 1611, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 6, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1611

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1611, entitled "A Bill for an Act Relating to Labeling of Meat and Fish Products."

The purpose of this bill is to regulate food labeling by requiring distributors of meat and fish products to notify consumers when their products have been gas-treated and to indicate on the label the type of gas used.

This bill is objectionable for two reasons. First, section 2 of this measure, which would require meat that had been gas-treated to bear a label stating that fact, violates the Supremacy Clause of the United States Constitution because it is preempted by the Federal Meat Inspection Act of

ROUGH DRAFT

1907 (FMIA), as amended by the Wholesome Meat Act of 1967. Section 408 of the FMIA specifically preempts state meat labeling laws that are different from those already established by federal law. Section 2 is inconsistent with current federal meat labeling standards and is, therefore, preempted.

Second, section 3 of this bill would remove from the Hawaii Food, Drug, and Cosmetic Act the criminal sanctions that apply to certain violations of that Act. Section 3 deletes the imprisonment provision in section 328-29(a), Hawaii Revised Statutes, that makes violating section 328-6, Hawaii Revised Statutes, punishable as a criminal misdemeanor and leaves only increased monetary fines. The misdemeanor criminal sanctions currently found in section 328-29 are essential to the effective administration of the State's laws with respect to food cleanliness, drugs, and cosmetics. By removing these criminal sanctions, the Legislature has adversely impacted the ability of the Department of Health to protect the health and safety of the public. The prohibited acts described in section 328-6 constitute willful and egregious behavior that, in the interest of safeguarding public health, should continue to be punishable as crimes under section 328-29.

For the foregoing reasons, I am returning House Bill No. 1611 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 479, dated July 6, 2009, transmitting her statement of objections to S.B. No. 912, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15 [sic], 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 912

Honorable Members  
Twenty-Fifth 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. 912, entitled "A Bill for an Act Relating to Permanency Hearings."

The purpose of this bill is to ensure compliance with federal Title IV-E hearing requirements to be consistent with the federal case review system in section 475(5) of the Social Security Act.

This bill is objectionable because it does not ensure compliance with the federal Title IV-E hearing requirements and it is not consistent with the federal case review system in section 475(5) of the Social Security Act.

The federal Department of Health and Human Services, recognizing this bill is defective, has granted the State an extension of time to draft new legislation that complies with federal requirements which will be introduced in the 2010 legislative session.

For the foregoing reasons, I am returning Senate Bill No. 912 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 480, transmitting her statement of objections to S.B. No. 1058, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS

HONOLULU  
July 6, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1058

Honorable Members  
Twenty-Fifth 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. 1058, entitled "A Bill for an Act Relating to Controlled Substances."

This bill establishes the medical cannabis task force within the Department of Public Safety to review issues relating to the medical marijuana program and make recommendations for any proposed legislation and rules. This bill also establishes the Salvia divinorum task force within the Department of Public Safety to review issues regarding the effects, use, and sale of Salvia divinorum and its primary psychoactive constituent, salvinorin A, and make appropriate legislative recommendations regarding the possible regulation of Salvia divinorum and salvinorin A. The Director of Public Safety is required to submit reports for both task forces to the Legislature prior to the convening of the regular session of 2010.

This bill is objectionable because the proposed task forces are unnecessary and would redirect limited resources within the Department of Public Safety from their primary functions of corrections and operations of the Sheriff Division.

The medical cannabis task force is unnecessary because it would attempt to deal with issues raised by medical marijuana users that can only be addressed by circumventing federal law. The use of marijuana and the distribution of marijuana are still illegal under federal law. Until that law is changed, it is inappropriate for the State of Hawaii to support the production, transportation, and distribution of marijuana. The task force will not be able to resolve these issues.

The Salvia divinorum task force is also unnecessary. The Narcotics Enforcement Division of the Department of Public Safety is already working with county police departments, the Alcohol and Drug Abuse Division of the Department of Health, and the federal Drug Enforcement Administration to closely monitor this substance and determine if it should be scheduled as a controlled substance. Under the provisions of section 329-11, Hawaii Revised Statutes, the Department of Public Safety has the duty to annually recommend to the Legislature the necessary scheduling of any controlled substances, and the Department has the authority to temporarily establish the emergency scheduling of any substance, if necessary, pending legislative action.

The provisions pertaining to the Salvia divinorum task force may also raise a possible objection under Section 14 of Article III of the State Constitution, which states in pertinent part, "Each law shall embrace but one subject, which shall be expressed in its title." Salvia divinorum is not a controlled substance under Hawaii law and the bill is not amending our controlled substances law to include it. Consequently, the provisions pertaining to the Salvia divinorum task force could possibly be challenged as being beyond the scope of the subject of this bill as expressed in its title.

For the foregoing reasons, I am returning Senate Bill 1058 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 481 through 482) were received and announced by the Clerk and were placed on file:

ROUGH DRAFT

Gov. Msg. No. 481, informing the House that on July 7, 2009, the following bill was signed into law:

H.B. No. 589, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES." (ACT 173)

Gov. Msg. No. 482, informing the House that on July 10, 2009, the following bill was signed into law:

S.B. No. 1248, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES." (ACT 174)

The following messages from the Governor (Gov. Msg. Nos. 483 through 492) were announced by the Clerk and received for possible consideration:

Gov. Msg. No. 483, transmitting her statement of objections to H.B. No. 36, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 36

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 36, entitled "A Bill for an Act Relating to Health."

The purpose of this bill is to expand the use of the Environmental Health Education Fund by renaming it the "Sanitation and Environmental Health Special Fund," and increasing the amount that does not lapse on an annual basis into the general fund from \$300,000 to \$2,445,000.

This bill is objectionable because it would erode general fund revenues in the midst of a serious State budget crisis by increasing the amount retained in the special fund at the end of the fiscal year. Traditionally, amounts that are not spent during the fiscal year are in excess of the program's annual funding requirements and, therefore, should be reviewed and reallocated based on statewide priorities.

Most of the money in this special account is collected from fees imposed on food establishments to obtain a food permit. The fund has no limit on the amount it may collect each year. Moneys in the fund should be used to conduct sanitation inspections and excess amounts should be returned to the general fund that benefits all residents.

Although the stated purpose of this bill is to broaden the scope of the environmental health fund to cover sanitation, the bill in its current form does not accomplish this purpose. The bill renames the fund without clarifying the purposes of the fund, as set forth in section 321-11 of Hawaii Revised Statutes. Last minute amendments by the Legislature to this bill resulted in inconsistent and conflicting language in sections 321-27 and 321-11 of Hawaii Revised Statutes. Due to the discrepancies in the bill language, enactment would create confusion as to the fund's actual and permissible uses.

For the foregoing reasons, I am returning House Bill No. 36 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 484, transmitting her statement of objections to H.B. No. 343, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 343

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 343, entitled "A Bill for an Act Relating to Rural Primary Health Care Training."

This bill appropriates \$140,000 from the State general fund for fiscal biennium 2009-2011 for the University of Hawaii's John A. Burns School of Medicine to provide rural primary health care training to increase access to primary health care services to medically underserved residents residing in rural areas of the State. The bill requires the development of a statewide rural primary health care training program in each county, beginning with Hawaii County.

Although the goal of this bill is laudable, this bill is objectionable because the State does not have the ability to provide the general fund appropriation allocated in this bill, nor can we afford the subsequent funding that a statewide rural primary health care training program as prescribed in this bill would require in the forthcoming years.

The severity of the State's fiscal condition at present and in the foreseeable future warrants caution in the development of new programs, including those with merit, such as the rural primary health care training program proposed in this bill.

Furthermore, it appears this program would not qualify for federal funding under the requirements established by the Center for Medicare and Medicaid Services within the U. S. Department of Health and Human Services.

For the foregoing reasons, I am returning House Bill No. 343 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 485, transmitting her statement of objections to H.B. No. 358, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 358

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 358, entitled "A Bill for an Act Relating to Drug Treatment."

The purpose of this legislation is to permit the courts to require that an individual reside in a secure drug treatment facility as a condition of probation. The legislation defines this facility as a minimum-security detention center, including continuous direct supervision.

ROUGH DRAFT

This bill is objectionable because it conflicts with nationally-accepted security protocols within the corrections profession and instructs the courts to direct offenders to facilities that do not exist within the State.

First, the terminology used in this bill is not in keeping with the security procedures and requirements that the Department of Public Safety must follow. Minimum-security detention centers do not require continuous direct supervision of each inmate, but this bill would establish a new standard that would require this security protocol. This requirement would create a new type of detention center with supervision, staffing ratios, and physical confinement requirements that are not recognized within the corrections professions and not in keeping with the requirements set by the U. S. Department of Justice.

Second, this bill presents serious operational problems since it would instruct the courts to direct probationers to facilities that do not exist and where there are no immediate or foreseeable plans for these facilities to exist. Additionally, the concepts in this bill are based on questionable treatment principles that have been not been shown to provide the types of evidence-based drug rehabilitation outcomes that are considered effective, as noted by the Drug Policy Forum of Hawaii.

My Administration has been at the forefront of developing programs that address substance abuse and that provide appropriate treatment regimens and settings for those who require substance abuse treatment. This legislation fails to accomplish its intended purpose.

For the foregoing reasons, I am returning House Bill No. 358 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 486, transmitting her statement of objections to H.B. No. 982, HD 3, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 982

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 982, entitled "A Bill for an Act Relating to Family Leave."

This bill provides for the development and maintenance of a family leave data collection system designed by the University of Hawaii Center on Aging and funded by a \$10,000 appropriation from the Department of Labor and Industrial Relations Special Fund for Disability Benefits.

This bill is objectionable because it creates a new data collection system, using funds that fall outside the scope and intent of the Special Fund. Hawaii Revised Statutes Chapter 37-523 requires special funds to be used only for the purposes originally established, the uses must reflect a clear nexus between the benefits sought and the expenditures to be made, must provide an appropriate means of financing an activity, and must demonstrate that the program can be financially self-sustaining. Using funds from the Department of Labor and Industrial Relations' Special Fund for Disability Benefits for family leave purposes does not meet the statutory criteria.

This bill is also objectionable because all of the provisions in this bill take effect on the same day, July 1, 2009, irrespective of whether the contemplated database has been completed and is operational. Consequently, because the new "family leave data collection system" is

not yet in existence as a web-based data system, employees seeking family leave benefits will be unable to enter pertinent data on the circumstances and need for family leave benefits, will be unable to print out a form to be submitted to the employer certifying that required data have been entered, and will be unable to comply with the new statutory requirements in section 398-5, Hawaii Revised Statutes, to provide to their employers evidence of having submitted the data in order to request family leave benefits.

Finally, this bill appears to suggest that a new paid family benefit should be developed and implemented for employees in Hawaii. Public sector employees already earn generous paid vacation and sick leave that can be used for family leave purposes. As I have stated in the past, any system that mandates employer-paid wage replacement benefits will increase the already high cost of doing business in the State and I caution the Legislature from recommending such mandates in the future.

For the foregoing reason, I am returning House Bill No. 982 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 487, transmitting her statement of objections to H.B. No. 986, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 986

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 986, entitled "A Bill for an Act Relating to Public School Facilities."

The purpose of this bill is to upgrade the energy efficiency of school buildings by requiring the adoption of Collaborative for High Performance Schools (CHPS) standards, as well as existing Leadership in Energy and Environmental Design (LEED) standards, for all Department of Education projects, including renovations and repairs of less than 5,000 square feet.

Although this bill may be well-intended to help save energy and create green jobs, the legislation is not well thought out, presents operational challenges that are impractical and difficult to carry out, and will have immediate increased fiscal impacts.

Current law, as codified in Section 196-9 of Hawaii Revised Statutes, and the State Building Code already require energy efficiency and environmental standards for State facilities, motor vehicles, and transportation fuel. Nine detailed, specific criteria are embodied in our state statutes to include such energy-efficiency measures as installing R-19 insulation in walls and roofs, switching to solar water heating systems, recycling and reusing water, and incorporating ENERGY STAR appliances.

The Collaborative for High Performance Schools uses methodologies, evaluation criteria, and design factors that are contradictory to and different from the standards already codified in State law. For example, building codes encourage the use of white roofs to reflect heat and lower internal temperatures. But CHPS discourages their use out of concern for the heat they transmit back into the atmosphere. The LEED standard encourages the use of maximum open space in building designs. CHPS requires a reduced footprint for buildings. Attempts to reconcile these conflicting standards would likely lead to legal challenges and delays in building school facilities.

Both the Department of Education and the Department of Budget and Finance have correctly pointed out that the CHPS criteria will add an estimated 8-15% to the costs of construction projects undertaken by the Department of Education. Given the existing backlog of work and dwindling State resources, it is imperative that we embark on projects that are both energy efficient and cost effective with paybacks that can be realized within acceptable time periods. This does not appear to be the case for the Collaborative for High Performance Schools.

Furthermore, this bill is also troubling in the manner in which it mandates the Department of Education to prioritize its capital improvement projects. For example, it requires the DOE to use local and regional job creation criteria and gives higher priority to projects that promote Science Technology Engineering and Math (STEM) education. While these are laudable goals, the Department of Education correctly noted that they must prioritize projects that impact the health and safety of school children and to superimpose other vague standards makes their prioritization process impractical and ineffective.

For the foregoing reasons, I am returning House Bill No. 986 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 488, transmitting her statement of objections to H.B. No. 989, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 989

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 989, entitled "A Bill for an Act Relating to Children's Health Care."

The purpose of this bill is to reinstate the Hawaii Children's Health Care Program, otherwise known as Keiki Care, for three years and require the participants to receive primary health care services at federally qualified health centers. The program is funded through an appropriation of \$400,000 from the general fund for the biennium.

This bill is objectionable because it fails to carry out the legislative intent of the Keiki Care program, as established pursuant to Act 236, Session Laws of Hawaii 2007. That intent was to provide health care coverage to children who are uninsured and ineligible for the State's Med-QUEST programs or other health care coverage.

An evaluation of the program found that when Keiki Care was launched in April 2008, there were 1,804 children enrolled, of which 1,750 or 95% were previously insured by their own families through HMSA's Children's Plan.

When the State evaluated the program in August 2008, it discovered that of the nearly 2,021 children enrolled in Keiki Care, only approximately 300 or 15% met the criteria of "gap group" children who were uninsured and ineligible for their coverage. The program failed to assist the neediest children who were being crowded out by participants who could afford to purchase health coverage at a minimal cost through HMSA's Children's Plan but had switched to Keiki Care to receive free medical care at taxpayer expense.

This bill is also objectionable because it revives the Keiki Care program but fails to address substantive problems previously encountered with its implementation. The bill does not contain a mechanism to target program participation to the truly needy who are unable to access other State health care coverage programs, such as ensuring the children are from households that meet the residency and income thresholds.

Further, this bill raises concerns because it requires Keiki Care participants to receive medical care only at federally qualified health centers. While the State's fourteen federally qualified health centers play a vital role in Hawaii's healthcare safety net, the State should not establish the practice of limiting patients to specific providers without good cause. Moreover, this provision fails to recognize that federally qualified health centers may not be accessible to all children because of their geographic locations. At a time when federally qualified health centers report an increased strain on the health care safety net, adding to the strain is unwise.

For the foregoing reasons, I am returning House Bill No. 989 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 489, transmitting her statement of objections to H.B. No. 1504, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1504

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1504, entitled "A Bill for an Act Relating to Health."

The purpose of this bill is to establish the Hawaii Health Authority to develop a comprehensive plan for providing universal health care in Hawaii. This bill also appropriates \$50,000 from the State Health Planning and Development Special Fund for the Authority's operations.

This bill is objectionable because the mission and duties of the Hawaii Health Authority as established by this bill are duplicative of past and existing efforts. Act 223, Session Laws of Hawaii 2005, established the temporary Healthcare Task Force to develop a plan to implement health care for all Hawaii residents and appropriated \$200,000 in general funds for the task force. An eighty-five page report, titled "Analysis of the Impact of an Illustrative Single-Payer System for Hawaii," was submitted to the task force and published on June 30, 2006. Many issues that this bill is seeking to address have already been addressed by the report. That report also addressed issues that this bill does not consider, such as the impact of a universal health care system on insurance providers. The report concluded that in order to implement a universal health care system for all State residents, a payroll tax of at least nine and one half percent must be assessed from all workers in the State. It does not make sense for the State to expend additional resources to develop a plan when a plan was already completed in 2006.

Additionally, this bill establishes the Hawaii Health Authority as an agency administratively attached to the Department of Budget and Finance. The mission of the Authority is to be "responsible for overall health planning for the state." This is similar to the mission of the State Health Planning and Development Agency, which is tasked with promoting "accessibility for all the people of the State to quality health care services at reasonable cost." Because the Department of Budget and Finance has no expertise in health care, it is inappropriate for the Authority

ROUGH DRAFT

to be attached to the Department instead of the Department of Health. Since the State already has an existing agency administratively attached to the Department of Health with a similar mission, creating a new program during these difficult economic times is not justified.

For the foregoing reasons, I am returning House Bill No. 1504 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 490, transmitting her statement of objections to S.B. No. 266, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 266

Honorable Members  
Twenty-Fifth 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. 266, entitled "A Bill for an Act Relating to Global Warming."

The purpose of this bill is to establish a "Climate Change Task Force" to assess the impacts of global warming and climate change trends in the State and to appropriate \$50,000 from the Tourism Special Fund for fiscal year 2009-2010 and the same amount for fiscal year 2010-2011 for this purpose.

This bill is objectionable because it appropriates funds from the Tourism Special Fund at a time when we are least able to afford it. Moneys in the fund must be prioritized for programs that generate revenue, such as tourism marketing and promotion, rather than task forces that are designed to study issues but rarely produce tangible results.

There is already wide-ranging research and recommendations available from global and national organizations on the issue of climate change. We cannot afford to use our limited resources, particularly at this time, to create a task force whose main purpose is to study an issue that we already know much about.

Further, there is already an active Greenhouse Gas Emissions Reduction Task Force in the State whose work is underway. Although the intended purposes of these two task forces may differ, their goal of improving the environment by reducing greenhouse gas emissions and its impact is the same. It should be noted that some of the same members of the existing task force may be asked to join the new task force created by this bill, and, therefore, would be required to share time and resources on what is ultimately the same issue. Given the economic difficulties our state is enduring, it is inefficient and shortsighted to ask professionals in the public and private sector to duplicate their work.

For the foregoing reasons, I am returning Senate Bill No. 266 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 491, transmitting her statement of objections to S.B. No. 423, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS

HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 423

Honorable Members  
Twenty-Fifth 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. 423, entitled "A Bill for an Act Relating to Health."

The purpose of this bill is to appropriate \$12,291,054 out of the general fund to provide a State match required to access \$15,000,000 in federal funding available through the federal Disproportionate Share Hospital payment program. The funds provided are to offset the cost of uncompensated medical care provided by hospitals to Medicaid and charity care patients. State funds are required to draw down the federal appropriation.

Although the purpose of this bill holds merit, there are no State funds available to afford this expenditure. The bill's \$12,291,054 appropriation will negatively impact the general fund and exacerbate the State's budget deficit. While I appreciate the Legislature's attempt to maximize federal sources of funding, it is my duty as Governor to ensure that the bills that become law can be realistically and responsibly supported by the State.

For the foregoing reason, I am returning Senate Bill No. 423 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 492, transmitting her statement of objections to S.B. No. 1665, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 10, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1665

Honorable Members  
Twenty-Fifth 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. 1665, entitled "A Bill for an Act Relating to Higher Education."

The purpose of this bill is to appropriate \$2,400,000 from the Unemployment Insurance Trust Fund and to provide each community college with \$200,000 to establish a skilled worker and business development center at each college.

This bill is objectionable because it expends funds that are needed to pay unemployment benefits and the program that would be set up under this bill duplicates existing workforce development and skills training programs.

Regrettably, unemployment in Hawaii has grown over the past year from 3.6% in May 2008 to 7.4% as of May 2009. This steep rise in unemployment, coupled with an extension of benefits required under federal laws, has meant that the State's fund used to pay unemployed workers is spending more than is currently coming into the fund. While the fund enjoyed very significant balances in 2007 and prior years in excess of \$500,000,000, the fund currently has a balance of \$303,000,000 as of May 2009. This decrease is understandable, given current economic conditions.

ROUGH DRAFT

However, since none of us knows the depth and length of the current economic crisis, it is imperative that we take steps to preserve these unemployment insurance funds that can be used to pay workers who have lost their job. This is money they need to feed their families and pay their bills. Any leakage out of the fund will mean less dollars for our workforce.

The bill is also objectionable because it proposes to fund the establishment of skilled-worker and business development centers at each community college that duplicate the efforts of the Workforce Development Boards, the One Stop Centers under the Department of Labor and Industrial Relations, and the Worklinks program. Further, this bill asks these new centers at each community college to provide retraining and cross-training for workers in new technology. However, the University of Hawaii Pacific Center for Advanced Technology and Training already provides these types of services.

For the foregoing reasons, I am returning Senate Bill 1665 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 493 through 494) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 493, informing the House that on July 13, 2009, the following bill was signed into law:

H.B. No. 1470, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE." (ACT 175)

Gov. Msg. No. 494, informing the House that on July 13, 2009, the following bill was signed into law:

S.B. No. 1677, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE." (ACT 176)

The following messages from the Governor (Gov. Msg. Nos. 495 through 497) were announced by the Clerk and received for possible consideration:

Gov. Msg. No. 495, transmitting her statement of objections to H.B. No. 1692, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 13, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1692

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1692, entitled "A Bill for an Act Relating to Housing."

The purpose of this bill is to impose residency restrictions on the amount of time persons can reside in State public housing. The bill requires the Hawaii Public Housing Authority to conduct a pilot project at one of its State public housing sites, wherein occupancy will be limited to five years for current residents and seven years for new residents. The bill provides exemptions from the occupancy limits for persons fifty-five years of age and older, persons with a mental or physical disability, and persons retired for medical reasons.

This bill is objectionable because it treats like individuals in a disparate manner, making the State vulnerable to a legal challenge. A subset of existing public housing tenants will be singled out and be placed on a time clock of how long they will be allowed to reside in public housing. This will occur regardless of their ability to become self-sufficient, the availability of alternative housing, or the nature of the economic conditions that impact their ability to find alternate housing.

This bill also raises legal concerns in that the purpose section (section 1) encourages "families to move out of public housing," contrary to the requirements of section 515-3, Hawaii Revised Statutes, which provides that it is a discriminatory practice, in part, to "discriminate against a person in the terms, conditions, or privileges of a real estate transaction" because of "familial status". Familial status discrimination is prohibited under Title VIII of the Civil Rights Act of 1968, as amended. The bill's narrow reference to families in describing the pilot project prescribed in this bill may render the Hawaii Public Housing Authority vulnerable to legal challenges related to fair housing laws.

For the foregoing reasons, I am returning House Bill No. 1692 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 496, transmitting her statement of objections to S.B. No. 1160, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 13, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1160

Honorable Members  
Twenty-Fifth 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. 1160, entitled "A Bill for an Act Relating to the Hawaii Public Housing Authority."

The purpose of this bill is to make the administration of public housing by the Hawaii Public Housing Authority (HPHA) more efficient.

This bill is objectionable because section 4 adds a new subsection to section 356D-93, Hawaii Revised Statutes, that requires evictions from State low-income housing be conducted by a hearings officer appointed by HPHA. The requirement that evictions from State low-income housing be conducted by a hearings officer conflicts with section 356D-44(c), Hawaii Revised Statutes, which states that State low-income housing projects shall be subject to chapter 521, Hawaii Revised Statutes. Chapter 521, the "Residential Landlord-Tenant Code," provides for eviction through summary possession proceedings or other proper action. Section 666-6, Hawaii Revised Statutes, requires that summary possession actions shall be brought in the district court of the circuit in which the property is situated. The bill does not amend section 356D-44 (c) and, therefore, creates a conflict as to whether State low-income housing evictions are to be handled through judicial procedure or administrative procedure.

Section 4 of the bill is also objectionable in requiring that in an eviction hearing, where the tenant has custody of a school-aged child or children, the eviction board or hearings officer shall:

solicit information regarding the tenant's regular participation in school activities or meetings during the current and previous school year from the school or schools in which the child or children are or were enrolled. This information shall be considered in determining the findings, conclusions, decision, and order.

The requirement in section 4 that the hearings officer and eviction board must solicit information about a tenant's involvement in the tenant's child's school activities and use this information in making findings of facts, conclusions of law, and the decision and order in an eviction hearing is objectionable. There is no rational relationship between a tenant's involvement in their child's school activities and whether or not the tenant has violated the rental agreement with HPHA.

Section 6 of the bill amends HPHA's general powers in section 356D-4, Hawaii Revised Statutes, to state that the HPHA "shall not sell any land developed for any public housing project," but this bill does not amend section 356D-8(c), Hawaii Revised Statutes, which states in relevant part that HPHA "may sell, exchange, transfer, assign, or pledge, any property, real or personal, or any interest therein to any person or government." There does not appear to be any justification for a blanket prohibition against a sale when "exchange, transfer, assign, or pledge" would still be authorized.

For the foregoing reasons, I am returning Senate Bill No. 1160 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 497, transmitting her statement of objections to S.B. No. 1350, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 13, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1350

Honorable Members  
Twenty-Fifth 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. 1350, entitled "A Bill for an Act Relating to Kakaako."

This bill increases the current reserved housing requirements on developments within the Kakaako Community Development District. In doing so, it places a new housing exaction on purely commercial development and increases reserved housing requirements currently enforced by the Hawaii Community Development Authority.

This bill is objectionable because it contains many technical and practical flaws that will substantially impede commercial development and the construction of affordable housing in Kakaako. Among other things, this bill defined "development" over broadly to include enlargements of an existing building or structure, including minor changes in the floor area of a warehouse or parking facility. This legislation is the wrong approach at a time when the State should be encouraging economic activity in Kakaako.

The legislation contains flawed language in the manner in which it attempts to adjust the percentage of reserve housing that will be required in future years, making the adjustment nil. Further, the provisions of the bill appear to permit a development project to satisfy a reserve housing requirement outside of Kakaako, but Section 3 of the bill eliminates the power of the Hawaii Community Development Authority to allow these outside developments.

My Administration has consistently supported efforts to build more affordable housing units throughout the State. I am proud of the partnerships we have forged with the private sector to support for-sale and rental housing developments on all islands through the work performed by the Hawaii Housing Finance and Development Corporation and the

Department of Hawaiian Home Lands. Thousands of families now have a place they can call home as a result of these efforts.

Regrettably, this legislation will curtail, not enhance, the development of additional housing in the Kakaako district by setting requirements that make it economically infeasible to move forward. For example, requirements that would raise an affordable housing requirement from 550 units to over 1,200 units are not financially viable, despite the best of intentions of the Legislature. The practical impact will be a halt to redevelopment in a major urban area that remains partially blighted despite over thirty years of government efforts under the Hawaii Community Development Authority.

Finally, it is unwise public policy to place a de facto halt on the permitting of new projects in Kakaako until such time as the Hawaii Community Development Authority completes rulemaking actions that would be required to implement the provisions of this bill. History has shown that the rulemaking process takes months to properly draft rules and ensure adequate public input. It is inappropriate and counterproductive to place a moratorium on development while the rulemaking process occurs, particularly at a time when we need to be reinvigorating the economy and creating jobs for our residents.

For the foregoing reasons, I am returning Senate Bill 1350 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

The following message from the Governor (Gov. Msg. No. 498) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 498, dated July 6, 2009, transmitting the Department of Land and Natural Resources' Waianae Baseline Environmental Study in response to Act 6, Special Session Laws of Hawaii 2005.

The following messages from the Governor (Gov. Msg. Nos. 499 through 503) were announced by the Clerk and received for possible consideration:

Gov. Msg. No. 499, transmitting her statement of objections to H.B. No. 31, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 14, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 31

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 31, entitled "A Bill for an Act Relating to Employment Practices."

The purpose of this bill is to establish an employer's use of an individual's credit history as an unlawful discriminatory employment practice, subject to certain exceptions.

This bill is objectionable because it places another restriction on employers that could impact their ability to protect the safety and financial security of their workplaces. If enacted, this bill would restrict an employer's ability to verify statements made in a job interview or on a resume which can be indicative of that individual's honesty and trustworthiness. It would also restrict an employer's ability to periodically check on the current credit history of their workforce.

ROUGH DRAFT

Congress recognized the sensitive nature of information contained in credit histories and, as a result, passed the Fair Credit Reporting Act which governs an employer's use of such information. It is unclear why the Legislature felt the need to pass additional legislation when federal law already places restrictions on employers and provides appropriate protections for employees.

It is not appropriate to place restrictions on employers who are working hard to create environments that are safe for themselves, their employees, and the public. Police departments have noted that credit reports help them conduct thorough background screenings to ensure they have a comprehensive portrait of an individual's readiness for employment in a position of public trust. In addition, insurance agencies, retailers, hotels, non-profit organizations, churches, and many others have noted that their ability to conduct credit checks on employees is vital to protecting their day-to-day operations. For example, hotel workers have access to many things of value including a hotel guest's jewelry, clothing, credit card numbers, and cash. Hotels go to great lengths to ensure their employees meet the highest standards and can be trusted with a customer's personal effects.

It makes sense for private, public, and non-profit employers to use credit histories to ensure their employees are worthy of being placed in a position that impacts the satisfaction and trust of their clients and the financial wellbeing of their operations.

For the foregoing reasons, I am returning House Bill No. 31 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 500, transmitting her statement of objections to H.B. No. 952, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 14, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 952

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 952, entitled "A Bill for an Act Relating to Labor."

The purposes of this bill are to: (1) change the union certification process by allowing certification of a union representative through card check authorizations without a secret ballot election; (2) to permit a union and individual employees, but not an employer, to collect attorneys' fees and costs in actions before the Hawaii Labor Relations Board (HLRB); and (3) to allow a civil penalty if an employer or employee, but not a union, willfully or repeatedly commits a prohibited practice.

This bill is objectionable for the following reasons:

#### 1. Certification of Union Representative Through Card Check Authorization.

Section 1 provides for board certification of a union representative through card check authorization, which undermines employees' right to organize for purpose of collective bargaining under both the Constitution and the statute.

Under Sections 1 and 2 of Article XIII of the State Constitution, employees have the constitutional right to "organize for purpose of collective bargaining." Based on this right, the Legislature granted

employees freedom to participate in the collective bargaining process through representation of their own choosing. Sections 89-3 and 377-4, Hawaii Revised Statutes (HRS), were enacted and designed to protect employees. These statutes provide that employees have the right of self-organization and the right to form, join, or assist labor organizations, and bargain collectively through representatives of their own choosing. Further, sections 89-3 and 377-4, Hawaii Revised Statutes, also provide that employees have a right to refrain from such activities.

In Hawaii, elections have been the exclusive means by which a union may obtain certification by the HLRB to act as a collective bargaining representative for a group of employees. However, if enacted, this bill would obligate the HLRB to certify a union based on authorization cards without an election. Authorization cards are poor indicators of support and this method of certifying a collective bargaining representative is susceptible to intimidation, coercion, and introduces irrelevant factors into the calculus of whether to select union representation.

Secret ballot elections, on the other hand, provide employees with an opportunity to carefully consider their choice after being fully informed by both the union and the employer of the advantages and disadvantages of union representation. The National Labor Relations Board has repeatedly stated that secret elections are generally the most satisfactory and indeed the preferred method of ascertaining whether a union has majority support.

We should continue the current process of certifying union representatives through election, which is patterned after how we vote for public officials.

#### 2. Award of Attorneys' Fees and Costs

Section 2 seeks an amendment to section 377-9, Hawaii Revised Statutes, modifying the remedial powers of the HLRB to include authority to award interest on back pay awards, plus costs and attorneys' fees, in favor of employees.

Section 89-14, Hawaii Revised Statutes, provides that any controversy concerning prohibited practices may be submitted to the HLRB in the same manner and with the same effect as provided in section 377-9, Hawaii Revised Statutes. Section 89-13, Hawaii Revised Statutes, provides that it is unlawful for either employers or unions to engage in prohibited practices either against one another or against individual employees. Complaints alleging prohibited practices may be lodged by a union against an employer on behalf of one or more union member, by an employer against a union, or by an individual employee against his union, his employer, or both.

If this bill becomes law, this amendment would mean that unions or employees could seek to recover attorneys' fees and costs from employers upon prevailing in prohibited practice complaints, but employers would be provided with no such reciprocal right. This failure gives unions and employees an unfair advantage over employers.

This bill may also have a detrimental impact on the resolution of labor disputes through the grievance procedure and arbitration provided for in the current public collective bargaining agreements. Those public collective bargaining agreements provide that each side will bear its own costs and fees. If this bill is enacted, the incentive for union attorneys to file HLRB claims, instead of grievances, will be greatly increased.

#### 3. Civil Penalty Against Employers

The bill amends section 377-9, Hawaii Revised Statutes, by mandating that HLRB impose a civil penalty not to exceed \$10,000 in the event that an employer or employee is found to have "willfully or repeatedly" committed a prohibited practice. The Legislature did not explain why such a mandatory penalty is necessary in the first place, particularly in light of the fact that the HLRB is already empowered with a wide range of discretionary remedial tools.

More importantly, even if one assumes that mandatory penalties of this nature are needed, this proposal unaccountably fails to provide for such penalties against a union if the HLRB finds it has committed prohibited

practices against an employer. The bill also fails to provide for the imposition of a civil penalty in the event that a union has been found to have committed prohibited practices against one of its own members. In short, this bill gives unions an unfair advantage over both employers and individual employees.

4. Conflict With Current Law

This bill also appears to conflict with current law. The bill states that if the parties cannot reach a collective bargaining agreement, either party may request conciliation under section 377-3, Hawaii Revised Statutes. On page 3, lines 4-11, the bill also states that "[i]f, after the expiration of the twenty-day period beginning on the date on which the request for conciliation is made . . . or such additional period as the parties may agree upon, the conciliator is not able to bring the parties to agreement . . . the board shall refer the dispute to an arbitration panel [.]"

Because the bill allows the parties to agree to conciliation beyond twenty days, it is not consistent with section 377-3, Hawaii Revised Statutes, which only empowers a conciliator to resolve disputes for ten to twenty days.

5. Collective Bargaining Restrictions

This bill is also objectionable because it places arbitrary restrictions on the negotiating parties without regard to the complexity of the agreement or the importance of free and non-coercive bargaining. Forcing parties to agree is antithetical to the system of labor relations that has served our country well. With the prospect of mandatory mediation and binding arbitration, bargaining may become more unrealistic as labor representatives push for very high wages in negotiation and employers counter that union demands would put them out of business.

This bill takes away the rights of unions and employers to bargain in good faith and interjects an arbitration panel to write the contract terms of the two parties. This undermines the purpose of a collective bargaining process and unnecessarily shifts power to the arbitration panels.

For the foregoing reasons, I am returning House Bill No. 952 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 501, transmitting her statement of objections to H.B. No. 1479, HD 2, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 14, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1479

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1479, entitled "A Bill for an Act Relating to Labor."

The purpose of this bill is to require public works contractors and subcontractors to provide a certified copy of a fringe benefit reporting form covering health and welfare benefits, pensions, annuities, vacation, training, and other fringe benefit costs. This submission shall be submitted weekly to the government contracting office.

This legislation is objectionable because it imposes an undue and unnecessary burden on contractors and subcontractors and would require them to report information that has been considered proprietary.

Contractors and subcontractors submit weekly certified payroll records to confirm compliance with Hawaii prevailing wage law. Fringe benefits, such as vacation and sick leave, help attract and retain workers and provide workers with non-tax incentives they might not otherwise enjoy. To force disclosure of this information could jeopardize these employee incentives and place firms working on public works projects at a competitive disadvantage to counterpart firms who do not have to disclose this data.

Further, the need for such legislation is not supported by the empirical data collected by the State Department of Labor and Industrial Relations each year when they conduct their random investigations of public works contractors.

Adding to the paperwork burdens and accounting costs of employers at this time of economic stress is not sound policy and detracts from our efforts to encourage and assist employers and employees in the construction sector.

For the foregoing reasons, I am returning House Bill No. 1479 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 502, transmitting her statement of objections to H.B. No. 1676, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 14, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1676

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1676, entitled "A Bill for an Act Relating to Public Works."

The purpose of this legislation is to require contractors of public works projects financed through Special Purpose Revenue Bonds to submit a collective bargaining agreement for laborers and mechanics to the Department of Labor and Industrial Relations.

This bill is objectionable because it attempts to assign to the Department of Labor a function that is the responsibility of the Hawaii Labor Relations Board or the National Labor Relations Board.

In 2007 Act 61 was passed that specified projects funded by special purpose revenue bonds, even though they are not government projects, were considered public works and, therefore, subject to Hawaii prevailing wage law, as set forth in chapter 104 of Hawaii Revised Statutes. That being the case, contractors who work on these projects can meet the requirements of Chapter 104 by submitting certified copies of their weekly payrolls to the State Department of Labor and Industrial Relations. A collective bargaining agreement need not be in place to meet prevailing wage requirements and it should not be assumed that a private contractor must have such an agreement to comply.

There are times when there are concerns about the content of a collective bargaining agreement between a private contractor and his/her workforce or between the employees and their union representatives. When these concerns arise, they can be brought to the attention of the National Labor Relations Board or, for those firms not covered by the National Labor Relations Board, the Hawaii Labor Relations Board.

For the foregoing reasons, I am returning House Bill No. 1676 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 503, transmitting her statement of objections to S.B. No. 695, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 14, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 695

Honorable Members  
Twenty-Fifth 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. 695, entitled "A Bill for an Act Relating to Workers' Compensation."

The purpose of this bill is to allow a continuation of medical services for injured employees when a dispute exists between the employee and the employer or employer's insurer regarding a treatment plan. The medical services shall continue until the Director of Labor and Industrial Relations issues a decision on the matter.

As I have stated in the past, this bill is objectionable because it requires an employer or employer's insurer to continue to pay for medical treatments after it has been determined that continued treatments are inappropriate, excessive, or for a non-compensable condition. Requiring an employer to pay for medical services that were determined unwarranted or unnecessary with no substantive right to recovery until the Director decides to deny such benefits will result in higher workers' compensation premiums for all businesses in Hawaii at a time when they can least afford it. In addition, this bill fundamentally upsets the balance between the employer and the employee regarding the method by which medical care can be terminated.

This bill is fundamentally unfair to hard-working employees who suffer work-related injuries and are in need of treatment. This bill tolerates and encourages abuse of the workers' compensation system by allowing healthy employees, who are fit to return to work, to continue drawing benefits. This abuse has a negative impact on the workers' compensation system and hurts all of Hawaii's workers.

Given the current state of our economy, I sincerely hope the Legislature will reconsider its previous support for this bill. We simply cannot afford to pass legislation that will increase the cost of doing business during such challenging economic times. If we continue to burden business with mandates and regulation, there will be fewer jobs to be had and all employees will suffer. This bill will further delay our economic recovery and represents poor public policy.

For the foregoing reasons, I am returning Senate Bill No. 695 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 499 and H.B. No. 31, SD 1, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 31, SD 1, CD 1, as contained in Gov. Msg. No. 499, seconded by Representative Evans.

At 11:52 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:53 o'clock a.m.

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 31, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES" as contained in Gov. Msg. No. 499 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Har and Pine.

Excused, 6: Berg, Bertram, Marumoto, Takai, Thielen and Ward.

At 11:55 o'clock a.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 31, SD 1, CD 1, as contained in Gov. Msg. No. 499, was approved.

Gov. Msg. No. 483 and H.B. No. 36, HD 1, SD 2, CD 1:

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

Gov. Msg. No. 484 and H.B. No. 343, HD 1, SD 2, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 343, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 484, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to the veto override motion.

"This bill appropriates \$140,000 over the biennium to develop a statewide rural primary health care training program and support the family medicine residency program of the University of Hawaii John A. Burns School of Medicine's Department of Family Medicine and Community Health. This is actually a laudable bill, and I believe that all of us supported it in May when we passed out a balanced budget. But that was before the Council on Revenues report later that month, which grew the budget deficit tremendously. It stands at approximately \$744 million for the next two fiscal years.

"This bill carries a \$140,000 appropriation, and we could almost afford it back in May, but we cannot afford it now. When the economy returns to past levels, and we have weathered through the recession and actually start to see revenues grow again, I would be more than happy to support this concept, to sign on to this concept. But not now."

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, also in opposition for the same reasons as the Minority Leader. I too believe this was a laudable bill. However, the Council of

Revenues has made it painfully clear, that we cannot spend it as we would like. In addition, there is also some question as to whether the program would qualify for federal funding under requirements established by the Center for Medicare and Medicaid Services. Qualifying for federal funding is something I would very much like to see in this program.

"I hope that proponents will work to address that technical issue, and that we can support this program once the economy improves. But until then, I will, regrettably, have to support this veto."

Representative Chang rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Chang's written remarks are as follows:

"Mr. Speaker. I am in support of HB343 HD1 SD2 CD1.

"This bill will develop a permanent statewide rural primary health care training program in each county, beginning in the county of Hawaii, to expand the rural health care training available for individuals in the family medicine residency program of the University of Hawaii John A. Burns school of medicine.

"Previous attempts to fund this program have been vetoed by the Governor. Since then the community has come forward with numerous fundraising efforts to help this endeavor which they feel is one of the priorities in our community. The \$70,000 per year funding in this bill is just a small token to show the Legislature's support as we continue to look for contributions."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTH CARE TRAINING" as contained in Gov. Msg. No. 484 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Aquino, Awana, Belatti, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Ching, Finnegan and Har.

Excused, 6: Berg, Bertram, Marumoto, Takai, Thielen and Ward.

At 11:58 o'clock a.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 343, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 484, was approved.

**Gov. Msg. No. 485 and H.B. No. 358, HD 1, SD 1, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 358, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 485, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill creates serious operational problems since it mandates courts to direct probationers to facilities that do not exist. There are no foreseeable plans for these facilities either. The concepts in the bill are based on questionable treatment principles not proven to provide evidence-based drug rehabilitation outcomes considered effective, as noted by the Drug Policy Forum of Hawaii.

"Other objections include conflicts with nationally-accepted safety protocols and inconsistent terminology and requirements that would put us out of compliance with the United States Department of Justice requirements.

"As a final note, I see what the vision is for this type of facility. You can call it many things. More than a few Sessions ago, this Caucus called it a "correctional treatment facility." It's a fine concept, one which the former Chair of Public Safety, the current Honolulu City Councilmember for the 9<sup>th</sup> District, concurred with. Working with the House Minority Research Office, we pushed forward a bill calling for the construction of a correctional treatment facility. It is our hope that proponents of such a facility and proponents of these outcomes for probationers learn from our past experience."

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this override. This bill starts with the excellent premise that we must attempt to rehabilitate our offenders. However, this bill makes pronouncements presuming the drug treatment facility already exists. If it needs to be built, then money needs to be appropriated, guidelines need to be drafted, etc...that do not currently exist.

"This amounts to an unfunded mandate. Unfortunately, all this costs money. Even more unfortunately, we don't seem to have that money. During the "planning" stages, we were in better financial shape. At present, our State is not financially capable of building the facility.

"I still think correctional treatment facilities, or secure drug treatment facilities are a good beginning in meeting this challenge, and it dovetails well with our current Drug Court program, and would provide more treatment for probation and possession-type offenders. Therefore, perhaps when the economy rights itself, we can revisit this issue. Until then, I have to regrettably vote to sustain this veto."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 358, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG TREATMENT" as contained in Gov. Msg. No. 485 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Har and Pine.

Excused, 6: Berg, Bertram, Marumoto, Takai, Thielen and Ward.

At 12:01 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 358, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 485, was approved.

**Gov. Msg. No. 500 and H.B. No. 952, HD 1, SD 2, CD 1:**

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

**Gov. Msg. No. 486 and H.B. No. 982, HD 3, SD 1, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 982, HD 3, SD 1, CD 1, as contained in Gov. Msg. No. 486, seconded by Representative Evans.

Representative M. Lee rose in support of the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of the override.

"Many family caregivers remain in the workforce, even while providing care to loved ones at home, where they are often the most experienced and valued employees. The ability to take short periods of leave to deal with acute episodes where their presence is needed to provide assistance would enable them to stay in the workplace until retirement, assuring them of adequate retirement benefits. Many now must leave early, making their own retirement uncertain.

"This measure is the first step to building a system of wage replacement benefits for families who are balancing work and eldercare. Before paid family leave is established in Hawaii, data showing the need would be valuable in estimating cost and utilization. Collection of data must apply to both private and public sector employees in order to get a complete picture of what would be required to best help family caregivers.

"Current Family Medical Leave legislation is insufficient:

- Only 55% of all employees are covered and eligible under the Family Medical Leave Act to guaranteed unpaid family leave for certain medical situations.
- Over three-quarters of those who needed leave, but did not take it said this was because they could not afford it.

There is no provision to provide leave to caregivers.

"Paid Family Leave could save money—it is not a budget buster

- Paid family leave could reduce the amount of taxpayer money that goes to welfare, unemployment compensation, food stamps, and other public programs.
- Studies show nine percent of FMLA leave-takers were forced to turn to public assistance to help cover the wages they lost as a result of taking family or medical leave. Of women leave-takers, this percentage was even higher: 12%
- Paid family leave helps employers retain valued employees.
- Those who care for family members provide a tremendous economic asset to our State.

"With Medicaid costs rapidly piling up, we need to do everything possible to encourage people to be cared for at home—even for a few years. Besides, most people prefer to be at home and not in custodial care. Supporting the family caregiver will become ever more important as our elderly population increases and as our Medicaid costs increase."

Representative Finnegan rose in opposition to the override and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, also in opposition. I certainly agree with the Minority Leader, if you are going to create a program, why do you draft the enabling legislation so that it can do nothing but fail? How does that help anyone? All it does is raise false hopes, and I do not support that.

"Also, as noted in the Governor's veto message, the use of the funds proposed by this bill falls outside of the scope of the DLIR Special Fund for Disability Benefits. I realize that we have to try to get creative in funding things in these tough budgetary times, but if something falls

outside of the scope of the special fund you are trying to use, the program cannot be funded with that source. Just another aspect of the faulty drafting of this bill."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 982, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE" as contained in Gov. Msg. No. 486 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Ching, Finnegan and Pine.

Excused, 5: Berg, Marumoto, Takai, Thielgen and Ward.

At 12:03 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 982, HD 3, SD 1, CD 1, as contained in Gov. Msg. No. 486, was approved.

**Gov. Msg. No. 488 and H.B. No. 989, HD 1, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 989, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 488, seconded by Representative Evans.

Representative Mizuno rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Mizuno's written remarks are as follows:

"I rise in support of a veto override for HB989 – also known as Keiki Care.

"Mr. Speaker, "there are no throwaway people in our society."

"HB989 will use \$200,000 in taxpayers' money to provide universal healthcare to every child in our State. This means coverage for every child in Hawaii – like *ohana*, no child is left behind to suffer for lack of healthcare.

"Furthermore, this is an excellent example of a public-private partnership, during the most difficult recession our State has ever faced. This measure allows our state to partner with HMSA, which will provide the funding match and our federal community health centers to ensure that every child is provided with basic healthcare.

"Hawaii's most precious resource is its children because our *keiki* will be our future leaders – they will guide our State within the next 20 or 30 years. Our success is dependent on their success. Therefore, we must invest in children's future.

"This bill reinforces our longstanding commitment to the people of Hawaii. The Legislature is committed to ensuring the health and safety of our children. Ensuring basic healthcare for our children will allow them the opportunity to excel in school, enjoy the ability to achieve higher educational and employment opportunities, and afford them a safe and compassionate community.

"It will cost more to cover the uninsured children. In 2008, the number of emergency room visits was 3,302. In 2008, the total costs for hospitals for the uninsured children were \$4,443,000 (compared to \$200,000). The average inpatient bill was \$14,003.

"This modest investment will pay off in significant ways – it saves the State and hospitals in the State millions of dollars annually, it supports healthier children, it provides for reliable payments to health providers and empowers parents by connecting them to a pediatrician for regular visits, and finally the uninsured child is now insured for a medical emergency, which averts personal and institutional financial crises.

"If any Member here supports the Governor's veto and is against providing healthcare to Hawaii's *keiki* – then vote against the veto override. Your vote against the veto override will clearly show that you do not believe in providing all children in Hawaii with basic healthcare. Your vote against the veto override will show that you are not committed to ensuring health and safety for all of Hawaii's children.

"Today the House of Representatives will have the opportunity to provide healthcare for every child in our State. Because we stand united and believe, "There are no throwaway people in our society."

"Therefore, I respectfully ask this body to override the Governor's veto of HB989 Keiki Care, for our *keiki*, for our families, for our future. Mahalo."

Representative Pine rose to speak in opposition to the override, stating:

"Yes, in opposition, and I'll say a few words. What this bill does, or the intent of it was, to provide health insurance coverage to children who were uninsured, or not eligible for the State's Med-QUEST programs. How do you not vote yes to override this bill? It's a very difficult one, because who would not want to insure uninsured children in Hawaii? And it's unfortunate that politics has come down to passing bills by sound bite. But I'd like to explain why I want to vote against overriding this bill today.

"This is the same bill that I have always supported since its inception. But today I think, reading the Governor's message, she made some very compelling points.

"When we first passed this Act in 2007, there was a study done in April 2008, just to see how we're doing. Are we really reaching that targeted group of insuring the uninsured children that don't qualify for a program. And these are the results of it. 95% of the 1,804 children enrolled were already previously insured by their own families through HMSA's children's plan. So the State thought we'd check it out again and see if we've made any improvements. Are we really truly targeting the children that are in all our hearts today?

"So in August of 2008, enrollment grew to 2,201, but only 300 of the children enrolled were truly the ones that we had passed this law for. And as the Governor explains in her veto message, even with these concerns, the new measure does not deal with this problem. What's happening is people are soaking up the taxpayers' money that don't need the help that we intended this bill for. Only 300 of those kids were the ones that were in our hearts when we passed this bill. And people who can afford health insurance, or were already paying for their health insurance, switched over so that they don't have to pay it anymore.

"And so the problem that I have is as we're in this budget crunch and we're trying to look at ways to make government more efficient and more accountable to the taxpayer, are we truly allowing a bill to become law that targets those 300 kids that we care most about?

"And the problem with this bill as well is, we're only allocating \$200,000. But once we reach that gap, what if there's more than 300 kids, the ones we're really thinking about in our hearts that need that health insurance, that step forward after we hit the \$200,000. The State is going to have to say 'I'm sorry. Even though you are the most needy, and even though 95% of the people that we're helping don't really need the help, I'm sorry, we've reached our limit.'

"And so I deeply apologize to anyone that's offended because I've always supported Keiki Care, but I think we just didn't do it right just this time. Let's try one more time to reach those 300 kids that we really care about."

Representative Yamane rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I'm standing up in strong support. Mr. Speaker, let's clarify some of the information that was presented, as well as help educate those that may not fully understand what the intent of this measure includes.

"Mr. Speaker, in Hawaii, we have 5% of the children and youth who do not have health insurance. 5% Mr. Speaker. Of those 5%, 45% of those uninsured would be considered well children. Whereas those that did have health insurance, 70% of those children would be categorized as being a well child. Mr. Speaker, Keiki Care was designed to be a cost efficient investment that pays off in many ways.

"One, to help build and improve the healthcare of those children that are most in need, as well as providing a great system to support a public-private partnership with our health clinics to also look at getting in the rest of the family to access federal funds. Mr. Speaker, this program was cancelled by this Administration on November 1, 2008, 7 months after it began. Mr. Speaker, I guess that those that can look in a crystal ball can determine if a program is a failure or a success after 7 months, however Mr. Speaker, the previous legislation required that a child be uninsured for 6 months. So that means, if we have a total of over 2,000 children signed up for the previous program in 7 months time, there is a gap group that are not being addressed.

"Now there is criticism that 95% of the people that transferred over to this program had previous insurance. However, information given by our major health plans indicated that there was no major drop, shift or crossover of the children from one plan to another. Again, Members, these children had to be uninsured for 6 months.

"Mr. Speaker, the issue about \$200,000. I think many of us would want to invest more money into this program. However, the question always remains, the more money we put in, would our Administration again do what they did in the past, which was delay the program's implementation, and then cut the program early.

"Mr. Speaker, if our Administration fully states that they invest in our *keiki*, this is our opportunity to do it. We're leveraging \$200,000 of public taxpayer money with private funds, in accordance to get these kids the care that they need, to prevent them from going to the emergency rooms, resulting in higher costs to all of us in our premiums.

"Mr. Speaker, this measure has been supported both by our healthcare industry, our federally approved health clinics, and those that are in the trenches, many of them that sit in the gallery today. They understand that helping our children helps our future, Mr. Speaker.

"I find it quite ironic that we're going to apologize for the kids that may not be covered, when \$200,000, \$400,000 in two years, is better than no money invested. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In support, and may I have the words of the Health Chair entered into the record as if they were my own? And just a brief comment. In no sector of society have studies shown that preventive medicine has the most benefit than with our *keiki*. As the Health Chair pointed out, the costs will be borne by society in the emergency room and the treatment that they will need because they don't have proper health insurance.

"We may not be able to cover everybody, but if that's the approach we're going take, 'Well we can't do it for everybody,' then we wouldn't pass any laws or have any programs or anything. The fact is, if we can provide health coverage to *keiki*, and help some of our kids build upon this, when times get better to allocate more money, then I believe it is money well spent. Thank you very much, Mr. Speaker."

Representative Mizuno rose to speak in support of the override, stating:

ROUGH DRAFT

"Thank you, Mr. Speaker. I rise still in support of this measure and I'd like to have the comments from the Health Chair placed in the Journal as if they were my own, and I'd like to provide further comments, Mr. Speaker.

"Mr. Speaker, there are no throwaway people in our society. House Bill 989 will use \$200,000 in taxpayers' money. This will be to provide universal healthcare to our uninsured children. This means coverage for every child in the State. Furthermore, this is an excellent example of a public-private partnership during the most difficult recession in our State's history.

"This measure allows our State to partner with HMSA, who will be providing the funding match, and also allowing us to work with our federal community health centers as they will ensure that every child is provided with basic healthcare. Mr. Speaker, Hawaii's most precious resource is its *keiki*. Our children will be our future leaders. They will guide our State, within the next 25 to 35 years. Our success is dependent on our youth. Therefore, an investment in our children will be an investment in our future.

"This bill reinforces our longstanding commitment to the people of Hawaii. The Legislature is committed to ensuring the health and safety of our children. Ensuring basic healthcare for our *keiki* to allow them the opportunity to excel in school, to enjoy the ability, the opportunity to achieve higher education and outstanding employment opportunities. We will afford them with this measure a safe and compassionate community. Mr. Speaker, even if you took our the equation that we're dealing with, with our *keiki*, and if you were just strictly looking at it from, I guess a money-counting aspect, it's unfortunate but I believe the Governor's Administration has miscalculated the amount.

"As our Health Chair stated, this program will save the State, as well as hospitals much money. I'll give you a very solid example. I'll give you figures, based on hospital emergency department visits. This is for 2008, uninsured children, 2008 emergency rooms only. This is not just for community health centers. Emergency room visits for uninsured children in 2008, totaled 3,302 visits by uninsured children. Our total cost: \$4.4 million. So when you compare \$4.4 million to the annual cost of \$200,000, there's just no comparison.

"This bill has to be moved forward. We have to insure our uninsured. By doing that, we will actually save the State and hospitals a great amount of money. This modest investment will be a payoff in significant ways. It not only saves the State and hospitals millions of dollars annually, it supports healthier children. It provides a reliable payment to health providers. And it empowers our parents, our lower-income parents, by connecting them with a regular physician for preventive healthcare and regular visits. Finally, our uninsured child will now be insured for medical emergencies. Again, this will avert personal and institutional financial crisis. It will ultimately save money.

"Today the House of Representatives will have the opportunity to provide healthcare for every child in our State. Because we stand united in belief, there are no throwaway people in our society. Therefore I respectfully ask this Body to override the Governor's veto of House Bill 989, Keiki Care, and support our children for our future. Thank you, Mr. Speaker."

At 12:18 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:19 o'clock p.m.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition and I'd like to say a few words. Thank you, Mr. Speaker. This has been a bill that I've followed pretty closely. We debated this bill, and I had my concerns as to what would be called the wood-working effect. The wood-working effect basically is, if you have insurance like this, people who already have insurance, would come in and be able to get this insurance, not have to pay for the insurance

coverage that they have now, for free insurance. And of course the idea of that didn't sit well with me, because, we have insurance. We pay for insurance, the ones who already have insurance. And I don't think that it is fair for society if we come in and we say, 'Okay, well we want to do what was intended for someone who couldn't afford insurance, to be able to get this free insurance.'

"So as I take a look at this, this is not about one of the comments that our Chair from Human Services was talking about, that there are no throwaway people. But if we put this bill forward, we're saying there are throwaway people. Why? Because \$200,000 is not going to cover all of the uninsured kids who are in this State. So are they throwaway people? Are they throwaway kids that won't have access to education? We all have our limits. So this is called what I call, double-speak, Mr. Speaker. We all know we're in a very difficult time economically in this State. What I see here is reviewing a program that was meant for gap children, that didn't meet the qualifications of Medicaid programs, they weren't quite able to get other kinds of insurance, private insurance. So this was for the gap group.

"The statistics that came back basically said that of this gap group, only 300 out of 2,200, that very same wood-working effect that I was talking about, that we said, 'Okay, since we covered that loophole, we're going to move forward with the bill.' It didn't work. Mr. Speaker, if we want to create a program for the gap group, then let's create a program for the gap group. We all know we can't afford it right now, to provide a program that is a universal healthcare program for all the uninsured children. And if that was the purpose, then we way underfunded it. Thank you, Mr. Speaker."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 989, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S HEALTH CARE" as contained in Gov. Msg. No. 488 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoy, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 2: Finnegan and Pine.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:23 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 989, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 488, was approved.

**Gov. Msg. No. 501 and H.B. No. 1479, HD 2, SD 1, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1479, HD 2, SD 1, CD 1, as contained in Gov. Msg. No. 501, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1479, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR" as contained in Gov. Msg. No. 501 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoy, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 2: Ching and Finnegan.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:26 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1479, HD 2, SD 1, CD 1, as contained in Gov. Msg. No. 501, was approved.

**Gov. Msg. No. 489 and H.B. No. 1504, HD 1, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1504, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 489, seconded by Representative Evans.

Representative M. Oshiro rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of overriding the Governor's veto of House Bill 1504, Relating to Health.

"Mr. Speaker, according to the Governor's veto message *"it does[n't] make sense for the State to expend additional resources to develop a plan when a plan was already completed in 2006."* What does not make sense, however, is Governor Lingle's misreading and short sightedness of House Bill 1504. The Governor is apparently referring to Act 223, Session Laws of Hawaii 2005 which established the Hawaii Health Care task force to examine a single payer system as an option of delivering healthcare to the State's uninsured. In her veto message the Governor also references a report prepared by The Lewin Group entitled "Analysis of the Impact of an Illustrative Single-Payer System for Hawaii" which was submitted to the Hawaii Health Care task force on June 30, 2006.

"For the edification of this Body and the Governor, the task force was disbanded on June 30, 2006, the very same day that the Lewin report was finalized and submitted to the task force. As such, the task force was not able to fully examine the findings in the report or explore other options to provide health care coverage to the uninsured. In their draft final report that was approved on June 28, 2006, the task force recommended that it be extended for another two (2) years so that the task force could continue its research on a single payer system and to further explore related policy issues; those issues included the following:

- Potential conflicts of law between the Prepaid Health Care Act and enabling statutes establishing the single payer system;
- Potential conflicts within the administering body related to benefit plan design, provider reimbursements, and potential revenue sources;
- Whether administrative savings presumed by a single pay system can offset increasing health care costs not related to administrative efficiencies, such as increased consumption and advanced medical technology;
- Maintaining adequate reimbursement levels to cover operational costs and to support infrastructure improvements such as information technology, medical technology physical plant repair and maintenance;
- Start-up costs to transition from the current third-party payer system to a single payer system; and
- The impact upon the private health insurance market, to the extent that it will be necessary if the single payer system cannot adequately support the demands on the health care delivery system.

"Mr. Speaker, by no means have the issues surrounding health care coverage for all of Hawaii residents been addressed or resolved by the Hawaii Health Care task force as the Governor's veto message implies. In fact the task force acknowledged in its report that *"there may not be a*

*single solution to solving the uninsured problem in Hawaii; instead, it is likely that achieving universal access to affordable health care in Hawaii involves the development of a menu of potential solutions and options to provide health care coverage to the uninsured."* The Hawaii Health Authority can and will build on the work that was started by the Hawaii Health Care task force.

"Furthermore, Mr. Speaker it is common knowledge that at this very time in our nation's history President Barack Obama is seeking to reform the current healthcare system in America and drive down the costs and expand the provision of health care for all citizens. The current vehicle in Congress for this sea of change in health care financing and provision is entitled America's Affordable Health Choices Act. As they say, "the stars are aligned perfectly" and this extraordinary opportunity to reform health care in America must not be wasted. We have this opportunity with President Obama in the White House and with both House and Senate controlled by Democrats. House Bill 1504 and the Health Care Authority will provide the necessary attention and focus to ensure that Hawaii's current laws and practices are not diminished by any federal action, but instead improved or made more effective in providing health care services to all our citizens.

"Finally, let me thank the co-sponsors of this legislation, Representatives Marilyn Lee, Yamane, and Mizuno for allowing me the honor of drafting its original language in Section I, which includes the following memorialization of our dear friend and Hawaii icon Mrs. Ah Quon McElrath.

Section I reads in pertinent part:

*"The legislature recognizes the accomplishments of Ah Quon McElrath (1915-2008) toward improving the welfare of the people of the state. As a lifelong champion of the underdog and an eloquent, irrepressible, and forceful spokesperson for labor, human rights, and progressive causes, McElrath never hesitated to challenge the establishment to promote standard-of-living improvements for working men and women in areas such as occupational safety, ethnic equality, health care, and education. It was her dream for everyone in our state and nation to have access to affordable health care. Accordingly, the legislature dedicates this Act to Ah Quon McElrath."*

"Mr. Speaker it is my sincere hope that this Authority will initiate the comprehensive reformation of Hawaii's health care system with the ultimate goal of facilitating universal coverage through the provision of affordable, high-quality medical services for Hawaii's residents.

"For these reasons I support the veto override of House Bill 1504."

Representative Ching rose to speak in opposition to the override, stating:

"Thank you Mr. Speaker, I rise in opposition of the override. This bill, House Bill 1504, creates the health authority to develop a comprehensive plan to provide universal healthcare. We've had task forces before. In this very serious fiscal economic situation we're in, we know that in 2005 we had it, we've studied it. I just don't think that this is the time to be redundant, when we are very short. We have a deficit of over \$744 since last week. So this is just not the time to be duplicative, and I cannot support the override."

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, in opposition Mr. Speaker. Just short comments. Mr. Speaker, I actually participated in the task force that the Representative mentioned just a little bit ago. And this report concluded that to implement universal healthcare, a 9.5% payroll tax must be assessed from all State workers. Mr. Speaker, we did the study for this. Now what's looming above us is our nation is thinking about doing a universal-type of healthcare coverage. There were also problems in our group, in the task force, that talked about if you only did it for Hawaii, would that in essence, have sick people come over here and take part in our healthcare system. That's a real concern. We talk about how because of our climate, some

people like to send their homeless here so that they don't have to carry them as an expense.

"What I would say is, this is being discussed on the national level. It's a very vigorous debate. We don't need to spend additional money to do this task force when a task force has already concluded their recommendations in their report, and I think that we should support the Governor and veto this bill. Thank you."

Representative Mizuno rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Mizuno's written remarks are as follows:

"The purpose of HB1504 is to establish the Hawaii Health Authority to develop a comprehensive plan to provide universal health care in Hawaii. This plan is in line with President Obama's Health care reform, to provide affordable, quality health care while reducing the cost of health care and saving businesses and families from high medical costs.

"The opposition argues that this will not work and that it will ultimately cost too much for the people of Hawaii. However, the genesis of the measure is to save money, to actually reduce the cost of health care, while seeking to expand health care coverage to all of Hawaii's people. This measure is needed as we navigate through the most difficult recession our State has ever faced in its history. We will certainly work to improve the health care system and infrastructure and eliminate waste and unnecessary medical costs. The Health Authority will also seek options in purchasing prescription medication, in bulk, to save the State and hospitals millions of dollars by way of discounts due to the bulk purchase, as well as bulk purchasing of medical equipment. Moreover, the Authority will be able to look at the concerns with tort reform and possibly work to follow the federal model of having a central policy when dealing with malpractice lawsuits.

"Truly, this is an opportunity to simply devise a better, leaner, efficient health care system for the State of Hawaii and reduce costs for the people of Hawaii, while retaining our doctors, nurses, and healthcare workforce in Hawaii.

"The all of the foregoing reasons, I stand in support of HB1504."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1504, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH" as contained in Gov. Msg. No. 489 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 5: Belatti, Ching, Finnegan, McKelvey and Pine.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:31 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1504, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 489, was approved.

**Gov. Msg. No. 502 and H.B. No. 1676, HD 1, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1676, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 502, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1676, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS" as contained in Gov. Msg. No. 502 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Aquino, Awana, Belatti, Bertram, Brower, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Ching, Finnegan and Har.

Excused, 6: Berg, Cabanilla, Marumoto, Takai, Thielen and Ward.

At 12:33 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1676, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 502, was approved.

**Gov. Msg. No. 490 and S.B. No. 266, SD 2, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 266, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 490, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you Mr. Speaker, in opposition. Mr. Speaker, I've often heard people say, it's just \$50,000. Just let it go. But one of the things that I have to think about is, in the situation that we're in, and I think of \$50,000 and I think of one person that we'll have to get rid of, in regards to laying off or furloughs or whatever might end up coming around the corner, \$50,000 I see it in a different light after that. Thank you."

Representative Souki rose to speak in support of the override with reservations, stating:

"Yes, Mr. Speaker and Members, I wish to speak with some reservations on this measure. I do intend to support the bill, but however, my concern as I have mentioned previously is that again, you're looking into the HTA funds for tourism for items other than for tourist promotion. As we had passed a number of other bills, not only this bill, that has money implications, when we have a deficit of \$700 million. It hardly makes any sense. Thank you, very much."

Representative Pine rose in support of the override with reservations, and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Belatti rose in support of the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in support of overriding the Governor's veto of Senate Bill 266, Conference Draft 1 because this bill places Hawaii in a position of beginning to systematically scope, plan for, and proactively respond to the impacts of climate change on Hawaii's economy, infrastructure, environment, and ultimately the well-being of Hawaii's people.

"Too often government is criticized for not planning in advance, for thinking only about the short-term. This bill convenes a group of experts not simply to think about ways to reduce greenhouse gas emissions that contribute to climate change, but to make recommendations to address the near and long-term effects of climate change that will ensure the continued operation of our transportation and public utility infrastructure and our emergency healthcare systems and visitor industry.

"While one of the Governor's objections is that the \$50,000 appropriation from the Tourism Special Fund would be better used for marketing and promotion in the present time, this appropriation is, in my view, an investment in ensuring that Hawaii's economy, especially the tourism industry, will be able to meet the challenges of global climate change that will undoubtedly afflict island communities."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 266, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GLOBAL WARMING" as contained in Gov. Msg. No. 490 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 2: Ching and Finnegan.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:38 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 266, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 490, was approved.

**Gov. Msg. No. 491 and S.B. No. 423, SD 1, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 423, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 491, seconded by Representative Evans.

At 12:38 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 423, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH" as contained in Gov. Msg. No. 491 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 46: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:47 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 423, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 491, was approved.

**Gov. Msg. No. 503 and S.B. No. 695, SD 1, HD 1, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 695, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 503, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 695, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION" as contained in Gov. Msg. No. 503 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 5: Ching, Finnegan, Har, Pine and Tokioka.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:49 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 695, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 503, was approved.

**Gov. Msg. No. 497 and S.B. No. 1350, SD 2, HD 1, CD 1:**

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

**Gov. Msg. No. 492 and S.B. No. 1665, SD 2, HD 1, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1665, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 492, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1665, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION" as contained in Gov. Msg. No. 492 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Bertram, Brower, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 5: Cabanilla, Finnegan, Har, McKelvey and Pine.

Excused, 5: Berg, Marumoto, Takai, Thielen and Ward.

At 12:52 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1665, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 492, was approved.

At 12:52 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

At this time, the Chair announced:

"Members, at this time we will take an hour break and be back by 5 minutes to 2:00, so that you may have your lunch and prepare for the

Supplemental Calendar #1, along with the end of calendar legislation that we were discussing."

At 12:54 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:32 o'clock p.m.

At this time, the Chair announced:

"Members of the House, if you could look at the original Order of the Day, on page 4, sentence 3, which is Governor's Message No. 480, informing the House that on July 6, 2009, Senate Bill No. 1058, Senate Draft 2, House Draft 2, Conference Draft 1, was vetoed.

"Members, we are going to take that up at the end of the calendar. For the edification of the Members of the House and the general public, this is the Medical Marijuana Task force that the Senate has overridden. So we are going to be considering it as a Body this afternoon."

**Gov. Msg. No. 480 and S.B. No. 1058, SD 2, HD 2, CD 1:**

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

## SUPPLEMENTAL CALENDAR #1

### GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 504 through 533) were announced by the Clerk and received for possible consideration:

Gov. Msg. No. 504, transmitting her statement of objections to H.B. No. 128, HD 1, SD 1, CD 2, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 128

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 128, entitled "A Bill for an Act Relating to Elections."

The primary purpose of this bill is to repeal and recodify, update, and clarify Chapter 11 of Hawaii Revised Statutes, the campaign spending laws. However, this bill also makes certain significant substantive amendments to the current law.

This bill is objectionable for several reasons. First, this bill changes the process for filling vacancies on the Campaign Spending Commission by significantly reducing the number of nominees. Rather than making a selection from the original list of ten individuals, as presently provided for in section 11-192, Hawaii Revised Statutes, the Governor will be required to select from only two names submitted by the Judicial Council.

Second, this bill narrows the prohibition on contributions by State and county contractors presently specified in section 11-205.5, Hawaii Revised Statutes, to only those contractors that are exempt from competitive bid solicitations pursuant to chapters 102, 103, 103D, and 103F, Hawaii Revised Statutes. The bill further indicates that State and county contractors who are selected via a "competitive solicitation process" will be allowed to make political contributions, but fails to define this term, which is not defined in State procurement statutes.

Third, this bill increases the limit on campaign contributions by nonresidents from the twenty percent presently specified in section 11-204.5, Hawaii Revised Statutes, to thirty percent of the total contributions received by a candidate or candidate committee in an election period, allowing more non-Hawaii entities to influence local elections.

Finally, this bill allows surplus or residual campaign funds to be contributed by a candidate to the candidate's party as long as they are not earmarked for another candidate. This means donors who contributed funds to a specific candidate because they supported and admired the opinions of that candidate, may see their funds diverted to a political party that may or may not reflect their views and philosophy.

These types of significant changes in our campaign finance laws should be carefully and thoroughly discussed before they become part of the manner in which we finance political campaigns in this state.

For the foregoing reasons, I am returning House Bill No. 128 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 505, transmitting her statement of objections to H.B. No. 183, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 183

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 183, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to expand the membership of the Hawaii Teacher Standards Board, allow the Hawaii Teacher Standards Board to employ an executive director approved by the Board of Education, and authorize the Hawaii Teacher Standards Board to grant additional licensing extensions.

This bill fails to address fundamental problems identified by the Legislative Auditor in the operations and authority of the Hawaii Teacher Standards Board. Specifically, the Auditor found this Board is "in a state of confusion, unable to develop, administer, and deliver an effective teacher licensing program." The Auditor pointed out that the Board's action jeopardized the Department of Education's ability to meet No Child Left Behind (NCLB). Most serious was the fact that the executive director of the Board approved approximately 3,800 teacher licenses since 2003 without the explicit authority to do so.

The Auditor found numerous other problems, including the expenditure of \$1 million on two sole source contracts that failed to complete the task of developing an on-line licensing program. The Auditor concluded that the laws governing the Hawaii Teacher Standards Board should be repealed and the responsibility for teacher licensing be transferred to the Board of Education.

This legislation does not correct the underlying problems with the operations of the Board.

The Legislature could have directly and accurately addressed the problems with the Hawaii Teacher Standards Board by following the Auditor's recommendations that the statutes governing the operations of the Board be repealed and the responsibility for teacher licensing be

transferred to the Board of Education. I urge the Legislature to address this matter swiftly in the 2010 legislative session.

For the foregoing reasons, I am returning House Bill No. 183 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 506, transmitting her statement of objections to H.B. No. 541, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 541

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 541, entitled "A Bill for an Act Relating to Civil Service Personnel."

The purpose of this bill is to amend the repeal date for Act 221, Session Laws of Hawaii 2005, from June 30, 2009, to June 30, 2011. The purpose of Act 221, Session Laws of Hawaii 2005, was to ensure that the civil service benefits of Department of Education civil service employees are the same as those provided to civil service employees of other executive branch agencies pursuant to chapter 76, Hawaii Revised Statutes.

This bill is legally flawed because it cannot accomplish its purpose by amending the repeal date for Act 221, Session Laws of Hawaii 2005, from June 30, 2009, to June 30, 2011. This bill would take effect on July 1, 2009, but Act 221, Session Laws of Hawaii 2005, will already have been repealed on June 30, 2009.

Act 51, Session Laws of Hawaii 2004, provided the Department of Education with the authority and responsibility to establish its own civil service system separate from the civil service system administered by the Department of Human Resources Development. Effective July 1, 2005, the Department of Education was supposed to have administered its own civil service system pursuant to Act 51.

Act 221, Session Laws of Hawaii 2005, provided that civil service employees transferred to the Department of Education from other executive branch agencies retained their benefits during the period of transition when the Department of Education was establishing its own civil service system.

The Department has had five years to develop this system. The Department of Education has received training from the State Department of Human Resources Development and received sample rules, forms, and procedures more than four years ago to make it easier for them to adopt their own civil service system. Yet, they have failed to implement their own system.

To continue to give Department of Education more time to do the work they were supposed to do almost five years ago is no guarantee they will ever fulfill their responsibilities to enact their own civil service system. It is appropriate that Act 221, Session Laws of Hawaii 2005, be repealed.

For the foregoing reasons, I am returning House Bill 541 without my approval.

Respectfully,  
/s/  
LINDA LINGLE

Governor of Hawaii"

Gov. Msg. No. 507, transmitting her statement of objections to H.B. No. 590, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 590

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 590, entitled "A Bill for an Act Relating to Renewable Energy Facilities."

The purpose of this bill is to further expedite the development of renewable energy facilities by giving the Energy Resources Coordinator the authority to deem permits for their siting, development, construction, and operation approved under certain conditions.

This bill is objectionable because it is unnecessary, duplicative legislation. House Bill No. 1464, also passed by the Legislature, includes the same amendment made by this bill. Because I approved House Bill No. 1464 as Act 155, there is no need to also approve this bill.

For the foregoing reason, I am returning House Bill No. 590 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 508, transmitting her statement of objections to H.B. No. 754, HD 1, SD 1, CD 2, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 754

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 754, entitled "A Bill for an Act Relating to the Hawaii Tourism Authority."

The purpose of this bill is to make various changes to the Hawaii Tourism Authority. In addition, this bill would divert approximately \$7,500,000 from the general fund to the Tourism Special Fund in Fiscal Year 2010-2011.

This bill is objectionable because it makes a number of changes to the Hawaii Tourism Authority that have the potential to negatively impact our most important industry. First, the bill removes the authority of the Department of Business, Economic Development and Tourism to conduct tourism research and statistics. The bill transfers this responsibility to the Hawaii Tourism Authority and gives it the power to contract for these services.

While this change may seem insignificant on its face, I believe it has the ability to jeopardize the independence and accuracy of the research we receive. It is critical that the agency charged with achieving tourism goals separate itself from the agency responsible for measuring how well those

goals have been met. This separation provides credibility and stronger public confidence in both the data and the respective agencies.

In addition, I am disappointed that the Legislature has chosen to remove the four ex-officio members from the Hawaii Tourism Authority Board in this bill. These members represent the Department of Business, Economic Development and Tourism, the Department of Land and Natural Resources, the Department of Transportation, and the State Foundation on Culture and the Arts. These individuals represent key agencies with missions that directly relate to the tourism industry. Their expertise and experience strengthen the Board and help guide decisions regarding the types of tourism products offered. Removing them serves no public purpose and does a disservice to those who depend upon a healthy tourism industry for their livelihood.

For the foregoing reasons, I am returning House Bill No. 754 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 509, transmitting her statement of objections to H.B. No. 975, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 975

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 975, entitled "A Bill for an Act Relating to Agricultural Water Systems."

The purpose of this bill is to allow the Agricultural Development Corporation to accept agricultural water systems as a gift without gubernatorial oversight and without going through the standard prescribed county subdivision requirements.

The Agricultural Development Corporation already has the authority to acquire agricultural water systems pursuant to the requirements of Chapter 163D, Hawaii Revised Statutes. However, this bill raises serious liability and home rule issues that go beyond the current authority of the Corporation.

This proposed legislation allows the owner of a water system to transfer that system to the State after they have completed a metes and bounds survey, but without executing the process of a formal subdivision as required by the counties. Failure to follow subdivision ordinances will mean the parcel being transferred, as well as the balance of the parcel not transferred, will not be formally recognized by the county. The absence of records will hinder the ability of the counties to issue building and related permits, as well as ensure that the parcel has adequate access for fire protection and police purposes, is not prone to environmental hazards, and does not contain other features that can affect the surrounding community and adjoining property owners. For these reasons, the counties objected to this legislation.

The bill is silent as to the liabilities the State will be incurring upon acceptance of a gifted agricultural waterway. Many of these systems were built at the beginning of the previous century and require major repairs and renovations to their spillways, drains, flooding outlets, and ditch beds. To shift these responsibilities to the State, without accompanying resources, imposes upon the State significant costs, as well as exposes the State to liabilities should operational hazards occur with these ditches. A study of the Lake Wilson water system found, for example, that operational

conditions of the dam and spillway could impose costs of \$6-8 million on State residents.

The Administration recognizes the role that water plays in the success and sustainability of agricultural operations in Hawaii. We also recognize the important role the Agricultural Development Corporation plays in operating a limited number of agricultural water systems. However, to require the State to accept additional systems without adequate protections and by circumventing the counties and the land management procedures they have in place is not prudent public policy and does not work to the benefit of the parties involved.

For the foregoing reasons, I am returning House Bill No. 975 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 510, transmitting her statement of objections to H.B. No. 1271, HD 3, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1271

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1271, entitled "A Bill for an Act Relating to Government."

The purpose of House Bill No. 1271 is to provide a source of funding to support government programs, personnel, task forces, and grants-in-aid intended to promote energy and food security in the State. The funding will be generated by instituting a \$1.00 increase in the tax imposed on each barrel or fractional part of a barrel of oil sold by a distributor to any retail dealer or end user in the State.

This bill is objectionable because it raises taxes on Hawaii residents and businesses by an estimated \$31 million per year at a time when the community can least afford these taxes. Just like the many struggling families and business owners across our state, we must prioritize expenditures in a budget and then learn to live within our means.

What is particularly important to recognize is that higher energy prices discriminate against poor families more than any other group in our society. Energy costs comprise a higher percentage of family expenses for those at the lower income levels. Their ability to curtail their energy usage is marginal. What is particularly disturbing is these taxes on the poor would most benefit businesses and wealthier individuals who can afford to purchase a photovoltaic system or invest in a solar panel company. This taxing policy runs counter to a progressive tax structure.

As I have said before, we cannot tax our way out of the fiscal crisis we are in. We must make tough choices and direct the funds we have to the areas that need it most. I agree that energy and food security are important and have prioritized funding for these programs and personnel through the Executive Biennium Budget. The Legislature, however, chose to prioritize other programs and is now asking the taxpayer to bear the burden through higher gas prices, utility bills, shipping costs, airline fares, and numerous impacts that will ripple through our entire economic system.

I believe the bill's supporters have the best interest of the State in mind. During my Administration, energy and food security have been top priorities and I have been pleased to work with the Legislature, federal

ROUGH DRAFT

officials, academia, and members of the private sector on these important issues.

In 2006, the Legislature passed and I signed groundbreaking legislation known as Energy for Tomorrow that laid the foundation to wean Hawaii off imported oil. In 2008, my Administration signed a historic, one-of-a-kind agreement with the U. S. Department of Energy intended to decrease energy demand and accelerate the use of renewable energy resources in Hawaii. This year, I joined the Legislature in supporting legislation drafted by members of the Hawaii Clean Energy Initiative that will help us meet our goal of 70 percent clean energy by 2030. I am proud to share these accomplishments with the Legislature and others who are committed to strengthening our economy and making Hawaii a cleaner, greener, place to live.

I believe we can continue to make significant progress in this arena without this tax and the bureaucracies it will fund. We must, however, be willing to make the tough choices and work together to prioritize the public programs that have the potential to do the most good for our state.

For the foregoing reasons, I am returning House Bill No. 1271 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 511, transmitting her statement of objections to H.B. No. 1471, HD 2, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1471

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1471, entitled "A Bill for an Act Relating to Farms."

The purpose of this bill is to appropriate \$140,000 from the Hawaii Tourism Authority Special Fund to finance a one year pilot food safety certification program. The program is to be managed by the State Department of Agriculture with the assistance of the Department of Health.

The safety of our food is of utmost concern to all and remains a priority for the State of Hawaii. The Department of Health is responsible for investigating complaints regarding food-borne illnesses and maintains a rigorous inspection and investigation program to ensure that foods are properly handled, particularly in restaurants, hotels, and food markets. They conduct hundreds of inspections each year on behalf of Hawaii consumers and have important enforcement powers to close establishments that do not abide by cleanliness and proper food handling procedures.

Likewise, the State Department of Agriculture has worked with farmers, ranchers, and the fishing industry on their picking, packing, shipping, and sanitation programs. In 2007 the Department started an innovative program to trace certain food products through a radio frequency tracking system starting in the fields at the farm all the way to the consumer's table. Additionally, Department of Agriculture inspectors conduct regular inspections of food shipments into Hawaii to ensure foods do not contain pests, mold, and harmful insects.

The proposed pilot program contained in this bill diverts State tourism funds to a program that has already been adopted by some Hawaii farmers on a voluntary basis. The link between the uses of the Tourism Special

Fund and this program does not meet the criteria set forth in State statutes. In particular, HRS 37-52.3 requires special funds to be used only for the purposes originally sought, must reflect a clear nexus between the benefits and the charges imposed on a particular group of people, and must demonstrate that it can be self-sustaining. The use of tourism dollars in this bill fails to meet these criteria.

Furthermore, this bill does not contain a statutory enforcement mechanism nor does it give the Department of Agriculture rulemaking authority to enforce the food safety certification program. As such, this appears to be a gesture to improve food safety without the teeth necessary to make it a viable program.

For the foregoing reasons, I am returning House Bill No. 1471 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 512, transmitting her statement of objections to H.B. No. 1525, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1525

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1525, entitled "A Bill for an Act Relating to Medicaid."

The purpose of this bill is to require the Department of Human Services to include specified reporting requirements in all future Medicaid health insurance plan contracts.

This bill is objectionable because it requires reporting requirements that will not improve the Department of Human Services' ability to provide quality health care services to Medicaid clients or expand access to care for those patients. Instead, this bill requires non-essential information that is designed to deliberately reflect detrimentally upon private health care provider organizations who wish to contract with the State.

For example, the bill requires health insurance organizations to provide employment information, including the compensation provided to the five highest paid Hawaii employees and the five highest paid employees nationwide, and a description of each position. Other requirements include the amount of funds set aside to meet shareholder payments. This data is irrelevant to the issue that matters most---are Medicaid patients receiving quality care at the most cost-effective rate for the State.

It is time for legislators to support the new, more cost-effective approach the State has taken to contracting for Medicaid services and recognize the courts and the State Procurement Office have reaffirmed the validity of the contracts.

For the foregoing reason, I am returning House Bill No. 1525 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 513, transmitting her statement of objections to H.B. No. 1538, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1538

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1538, entitled "A Bill for an Act Relating to Environmentally-Sensitive Products."

The purpose of this bill is to require the Department of Education to give first preference, where feasible, to the purchase of environmentally-sensitive cleaning and maintenance products, approved by Green Seal, for use at public school facilities. It also requires the Department of Health to develop and maintain a list of Green Seal approved products for use as a first preference guideline by the Department of Education.

Although the intent of this bill has merit, the bill is objectionable because it gives first preference to products certified by a single private organization--Green Seal. Unlike similar legislation adopted by other states, this bill does not include the more comprehensive and scientifically reliable certifications granted by the U. S. Environmental Protection Agency. It is preferable for the State to use federal guidelines and certifications, particularly when they pertain to health and safety issues.

Secondly, the purchase preference created in this bill cannot be applied to disinfectants, which are commonly used in schools to protect students, teachers, and staff from the spread of infectious diseases.

Additionally, the bill uses a procurement preference which is not recognized in the State procurement code or in procurement regulations, making the Department of Education's purchasing decisions subject to legal challenge.

For the foregoing reasons, I am returning House Bill No. 1538 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 514, transmitting her statement of objections to H.B. No. 1544, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1544

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1544, entitled "A Bill for an Act Relating to Tax Exemptions."

The purpose of this bill is to phase out the Hawaii income tax personal exemption starting in tax year 2009. This measure decreases the Hawaii personal exemption of \$1,040 per person by two percent for every \$2,500 over the income threshold of \$119,963 for individual filers and \$179,963 for joint filers. The measure sunsets on June 30, 2015.

This bill is objectionable because it is a tax increase on Hawaii residents and businesses at a time when additional taxation will delay our economic recovery. Unlike the Hawaii personal exemption of \$1,040, which has not been adjusted since 1985, the current federal income tax personal exemption is \$3,500 and it is adjusted annually for inflation.

The purpose of a personal exemption was to recognize that a certain basic level of income should not be taxed since it serves as a floor to cover living costs. This original purpose has seriously eroded over time. Hawaii's personal exemption is only one-third of what the federal government recognizes and does not take into account the current higher cost of living in Hawaii and the escalating costs households and businesses are experiencing.

Finally, this bill targets the same group of taxpayers that are already affected by the income tax increase enacted by the Legislature earlier this session. It will particularly impact those companies that report their income as personal income. This legislation will further curtail their ability to create jobs or increase wages of their current employees. It is inappropriate for the same taxpayers to shoulder more tax burden, which discourages spending and investments.

For the foregoing reasons, I am returning House Bill No. 1544 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 515, transmitting her statement of objections to H.B. No. 1552, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1552

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1552, entitled "A Bill for an Act Relating to Public Lands."

The purpose of this bill is to establish a living park planning council to develop a master plan for State living parks and to place a two-year moratorium on evictions of persons who reside in the Kahana Valley State Park and who meet certain criteria.

This bill is objectionable because section 3 of the bill violates Section 5 of Article XI of the Hawaii Constitution. This section provides that "[t]he legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof." The bill's moratorium provision contemplates applicability to a certain group of private persons who are allowed to use State lands, granting them State-imbued special privileges. The classification of persons allowed to benefit from the moratorium is factually limited to those already benefitting from the use of the State lands. As such, the moratorium provision of this bill is special legislation in violation of Section 5 of Article XI of the Hawaii Constitution. See *Sierra Club v. Dept. of Transportation*, 120 Hawaii 181, 202 P.2d 1226 (2009).

My Administration recognizes the special relationship certain families have had with Kahana Valley and the ahupua'a used by pre-contact Hawaiians that existed in this region. We also recognize that efforts to develop a consensus plan on the management and direction of this living

ROUGH DRAFT

park have not succeeded for the past 39 years. I believe it is important to respect the attachment of certain families to the lands within the park. As a result, I am affirming in this veto message my Administration's commitment to not evict the families in the park during the balance of the term of my Administration, as long as the persons residing in the park meet their lease responsibilities to participate in activities benefitting the park and do not engage in criminal activities.

Further, I am pledging my commitment to introduce legislation in the 2010 legislative session that would allow the Department of Land and Natural Resources to issue replacement leases to those who qualified for such leases pursuant to Act 5 of 1987 and who agree to abide by the original intent and requirements of that Act.

For the foregoing reasons, I am returning House Bill No. 1552 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 516, transmitting her statement of objections to S.B. No. 1, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1

Honorable Members  
Twenty-Fifth 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. 1, entitled "A Bill for an Act Relating to Opihi."

The purpose of this bill is to make it unlawful to take, harvest, or possess opihi, except under certain prescribed circumstances.

This bill is objectionable because it establishes unenforceable standards for the harvesting of opihi that run counter to good fisheries management practices.

Legislation that addresses the management and sustainability of certain fisheries should be evidenced-based, using best practices tools that are scientifically supported. For example, seasonable closures should be based on the spawning and rejuvenation periods for select species of marine life, not on randomly picked dates.

Based on their extensive experience with the management of fishing areas, the Department of Land and Natural Resources has found that tools such as bag limits and seasonal closures are more easily enforceable and more readily understood by the public. This bill would require State enforcement personnel to attempt to determine if the opihi in a person's possession was picked above the waterline or below the waterline, a virtually impossible task when the opihi is already in a collection pail.

Further, the bill would require enforcement personnel to determine if the opihi picker was exercising native gathering rights and whether the amount of opihi in his/her possession met precise weight limits. Additionally, this bill fails to recognize those persons, particularly on the neighbor islands, who consider opihi harvesting a profession that sustains them throughout the year.

The Department of Land and Natural Resources has existing authority to regulate near-shore fisheries and aquatic stocks, including the establishment of marine resources management areas that have worked successfully for certain species. I have asked the Department to conduct a scientific, fact-based review of opihi to determine whether harvesting

limits should be imposed and when they should be imposed. This bill is both unnecessary and counter-productive to that effort.

For the foregoing reasons, I am returning Senate Bill No. 1 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 517, transmitting her statement of objections to S.B. No. 19, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 19

Honorable Members  
Twenty-Fifth 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. 19, entitled "A Bill for an Act Relating to Procurement."

The purpose of this bill is to create a five percent procurement preference for offerors who bid on public works construction contracts valued at not less than \$250,000 if, at the time of bidding, the offerors are parties to an apprenticeship agreement that is registered with the Department of Labor and Industrial Relations for each apprenticeable trade the offeror will employ if awarded the contract. This reduction in bidding price is for evaluation purposes only and does not reduce the cost of the offer to the contracting governmental body.

This bill is objectionable because implementation of this new bid preference will increase the cost of the State's public works projects. If the preference of five percent results in the bidder being awarded the contract, the State must still pay the full contract price, even though there was a lower offer. Given the State's current financial situation, we simply cannot afford to overpay for public works projects in this manner. Additional costs would also be incurred through an unnecessary increase in the administration and oversight responsibilities of government contracting agencies, which would have to ensure that apprenticeship agreements are being maintained for the length of the contract.

Further, this bill would also place construction contractors that do not have registered apprentice programs at a competitive disadvantage without compelling justification. Apprenticeship programs are useful training programs when a trade requires a length of time to become proficient, but are not necessary to ensure the qualification of contractors to perform State work. The purpose of the public works bidding process is to ensure the State obtains the specified work at the best possible price. An essential element of this process is a level playing field whereby the most efficient, skilled, and well-managed companies are awarded contracts.

For the foregoing reasons, I am returning Senate Bill No. 19 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 518, transmitting her statement of objections to S.B. No. 43, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

ROUGH DRAFT

July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 43

Honorable Members  
Twenty-Fifth 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. 43, entitled "A Bill for an Act Relating to Physician Workforce Assessment."

The purpose of this bill is to establish a John A. Burns School of Medicine special fund, funded by a \$60 fee assessed when physicians and surgeons renew their licenses, to support physician workforce assessment and planning.

Although the purpose of this bill has merit, it fails to address the larger issues that are causing a shortage of doctors from practicing in Hawaii, such as low insurance reimbursement rates, high medical malpractice insurance costs, increased taxes on physicians and surgeons, and the increasing expense of operating a medical practice within our State.

The Hawaii Medical Association, representing the State's doctors, cautioned that this bill could establish a dangerous precedent of using license fees to address an assortment of health-related issues and studies. Fees should be dedicated to the regulation of the medical profession.

Further, this bill is objectionable because in order for a physician or surgeon to renew their license, they would be required to provide personal and professional information, such as their medical specialty, location of practice, their hospital privileges, and the size and scope of their practice, which have no relationship to the qualifications that are required to maintain a license.

If a physician fails to provide the required physician workforce assessment information required, the license would be denied. Although the bill requires the University of Hawaii to obtain express consent from a physician before releasing information specific to that individual, the bill does not provide for instances in which a physician may object to providing personal and profession information based on privacy or confidentiality concerns. It would be inappropriate to deny licensure based on an unwillingness to provide information that has no relationship to the qualifications of the applicant seeking to continue his or her medical practice in Hawaii.

The bill is also objectionable because the special fund established by the provisions of this legislation fails to meet the requirements of Hawaii Revised Statutes Sections 37-52.3 and 37-53.4 regarding both the means of financing and the financial self-sufficiency of the fund.

Finally, I would point out that in 2003, I signed Act 181 that established a Hawaii Medical Education Council within the University of Hawaii to undertake a review of physician workforce needs as envisioned in this bill. That work was not done. If this is a priority, then the John A. Burns School of Medicine should proceed using the statutory authority it already has. Duplicate legislation is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 43 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 519, transmitting her statement of objections to S.B. No. 50, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 50

Honorable Members  
Twenty-Fifth 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. 50, entitled "A Bill for an Act Relating to Renewable Energy Producers."

The purpose of this bill is to create a new section of Chapter 171, Hawaii Revised Statutes, setting forth terms and conditions for leases of public lands to renewable energy producers.

While it is important that the use of public lands, particularly when they are leased without a public auction, are handled in a transparent, fair, and standard manner, this bill places additional burdens on a subset of lessees, namely renewable energy producers, that is burdensome and counter to the clean renewable energy goals of this state.

Specifically, this bill would require the Board of Land and Natural Resources, when they receive an application from a firm or entity that wishes to site a renewable energy project on public lands, to conduct not less than two public hearings on the island where the public land is located.

The Board already follows a well-established process for discussion and decision-making on actions before it that abides by the open meeting provisions of Chapter 92. To saddle renewable energy projects with additional hearings requirements adds costs and delays and treats these projects in an adverse fashion, compared to similar applications for use of public lands.

Further, it should be remembered that the approval process for renewable energy projects currently provides opportunities for public comment at both the State and county level. For example public hearings are required prior to a project receiving an incidental take license, for a conservation district use permit, for a water quality certification, for a non-point pollution discharge permit, for a water use permit, for a special use permit, for a special management area permit, and for a shoreline setback permit. Additionally, projects that use public lands usually prepare an environmental assessment that has a public comment component.

Of additional concern, this bill requires a proposed renewable energy project to publicly disclose their financing plan, business concepts, and conceptual plan. Understandably, entities pursuing these projects, who have invested their own resources into the endeavor, are concerned that public disclosure of sensitive business data could place them at a competitive disadvantage.

The Board of Land and Natural Resources understands there may be times when more than one entity is interested in the same public lands. It is currently within their purview to ensure a fair and open airing for all interested parties to make the best decision on behalf of the public. Complicating the process the Board must follow to make determinations on the use of public lands that will reduce the State's dependence on imported foreign oil is not in the best interests of the public.

For the foregoing reasons, I am returning Senate Bill No. 50 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 520, transmitting her statement of objections to S.B. No. 387, SD 1, HD 1, CD 2, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

ROUGH DRAFT

July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 387

Honorable Members  
Twenty-Fifth 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. 387, entitled "A Bill for an Act Relating to the State Budget."

The purpose of this bill is to transfer various programs and divisions within the Department of Business, Economic Development and Tourism to the Office of the Governor, Department of Accounting and General Services, Department of Commerce and Consumer Affairs, and the Hawaii Tourism Authority. This measure also requires the Governor to report budget restrictions to the Legislature within thirty days of the end of the quarterly allotment period.

This bill is objectionable because transferring the Department of Business, Economic Development and Tourism's functions and responsibilities to other departments will not reduce the cost of government or improve the delivery of public services. In all likelihood, such transfers will interrupt services as the programs and divisions must plan for the transfer and make necessary adjustments, in addition to making needed changes to ensure that appropriate references are updated in statutes and administrative rules.

Moreover, the proposed transfer of these functions and responsibilities to other departments demonstrates a lack of understanding of the mission of these economic development programs and divisions and the mission and functions of the receiving departments. In fact, some of the proposed transfers are contradictory to sound public policy and the conduct of government. As an example, this measure transfers the Small Business Regulatory Review Board from the Department of Business, Economic Development and Tourism to the Department of Commerce and Consumer Affairs. Since the Department of Commerce and Consumer Affairs has numerous rules and regulations that affect small businesses, it could be a conflict of interest to attach the Review Board to the department whose rules it must review, critique, and make a recommendation to approve or not approve. Such a move would call into question the independence of the Small Business Regulatory Review Board.

The proposed transfers contained in this bill come at a time when we must remain focused on the economic recovery and regaining the vitality of the business sector in our state. To propose to dismantle the State agency tasked with this responsibility at this time is shortsighted and disruptive to our recovery efforts.

For the foregoing reasons, I am returning Senate Bill No. 387 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 521, transmitting her statement of objections to S.B. No. 415, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 415

Honorable Members  
Twenty-Fifth 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. 415, entitled "A Bill for an Act Relating to Home Care Agencies."

The purpose of this bill is to require the Department of Health to license home care agencies from July 1, 2010 until June 30, 2014.

This bill is objectionable because it exempts home care agencies under contract with the City and County of Honolulu's Elderly Affairs Division from the licensing requirement. Therefore, the City and County of Honolulu will be allowed to contract with unlicensed home care agencies. All other counties will be subject to the licensing requirement even though they have administrative entities similar to the City and County of Honolulu's Elderly Affairs Division. The bill does not provide a basis for granting the single exemption, nor does it reconcile the differential treatment of the municipalities. The specific exemption for the City and County of Honolulu appears to be a special law rather than a general law, which is prohibited by Article VIII, Section 1 of the Hawaii Constitution. Home care licensing requirements should be applied uniformly throughout all political subdivisions of the State.

This bill is also objectionable because a new program should not be added to the Department of Health. Authority to license home care agencies should be placed with the Department of Human Services and not the Department of Health. The Department of Human Services has expertise in monitoring health services through its history with the certification of Community Care Foster Family Homes and the 1915(c) Medicaid Waiver and Chore Service programs. The Department currently has regulatory and support functions established through its Social Services Division, Adult and Community Care Services Branch, that will be capable of establishing a home care agency licensing program at a future time when the State's fiscal condition has improved.

For the foregoing reasons, I am returning Senate Bill No. 415 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 522, transmitting her statement of objections to S.B. No. 420, SD 2, HD 2, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 420

Honorable Members  
Twenty-Fifth 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. 420, entitled "A Bill for an Act Relating to Naturopathic Medicine."

The purposes of this bill are to: (1) expand the scope of practice of naturopathic physicians by authorizing them to administer injections, perform minor office procedures, prescribe medicines and non-controlled substances, perform common diagnostic procedures (including the taking of blood and x-rays), and practice behavioral medicine, (2) authorize the issuance of temporary licenses for out-of-state naturopathic physicians in times of emergency, and (3) clarify the titles that may not be used by unlicensed persons.

This bill is objectionable because it does not provide adequate protection for the health and safety of the public. While the practice of naturopathy has a long history, there are concerns that this bill would allow naturopaths to practice beyond the scope of their education and training. Under this bill, naturopaths would be able to prescribe, administer by injection or

ROUGH DRAFT

other means, and dispense nonscheduled prescription drugs and other powerful substances that are capable of causing harm. Similarly, minor surgeries performed in an office setting have the potential to cause harm if not done by an individual with rigorous training and the proper expertise.

Additionally, this bill provides the Board of Examiners in Naturopathy with the authority to establish and publish a naturopathic formulary of medicines, prescription drugs, and other substances from which naturopaths would be able to prescribe, administer, or dispense. The Board of Examiners in Naturopathy is composed of three naturopathic physicians and two public members. Thus, the determination of the formulary would be primarily the decision of naturopaths themselves. It would be preferable that the establishment of any naturopathic formulary include the participation of medical doctors and licensed pharmacists. No such protections are provided in this bill.

For the foregoing reasons, I am returning Senate Bill No. 420 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 523, transmitting her statement of objections to S.B. No. 539, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 539

Honorable Members  
Twenty-Fifth 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. 539, entitled "A Bill for an Act Relating to Corrections."

The purposes of this bill are to rename the intake service centers set forth in section 353-10, Hawaii Revised Statutes, to "reentry intake services centers," and require that they not only "screen, evaluate, and classify" individuals entering community correctional centers but also "provide for their successful reentry" into the community. Accordingly, this bill also specifies additional duties and responsibilities of the division that include providing reentry services and working with the furlough programs in each county, the Hawaii Paroling Authority, and the Corrections Program Services Division. Additionally, the bill establishes a "reentry commission" in the Department of Public Safety to monitor and review reentry and parole services.

This bill is objectionable because it proposes an inappropriate, vague, and unfunded reorganization of the Department of Public Safety.

The Department of Public Safety has developed a comprehensive offender reentry plan to assist with the reintegration of incarcerated individuals. This bill merely establishes additional undefined requirements for the Department of Public Safety to meet without providing the funding and staff necessary to do so. Not being able to execute statutory requirements could expose the Department of Public Safety to unnecessary litigation.

Moreover, the Intake Services Centers Division currently coordinates and collaborates with other divisions, branches, and sections within the Department of Public Safety, as well as with the Hawaii Paroling Authority and various community based organizations. Such interactions do not need to be codified.

Additionally, the Department of Public Safety should be given the flexibility to carry out its own internal reorganization plans without

unnecessary impediments. This measure not only ignores the reorganization efforts already underway, but fails to recognize that the Department is in the best position to comprehend the complexities of corrections operations, functions, and responsibilities at the division level.

Finally, the reentry commission established under this measure duplicates the functions and duties of the Corrections Population Management Commission, established in 1993. The reentry commission is, therefore, unnecessary and duplicative.

For the foregoing reasons, I am returning Senate Bill No. 539 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 524, transmitting her statement of objections to S.B. No. 605, SD 1, HD 3, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 605

Honorable Members  
Twenty-Fifth 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. 605, entitled "A Bill for an Act Relating to Noise."

The purpose of this bill is to require the Department of Health to add the dBC decibel weighting system to the current dBA weighting system for community noise control. In addition, the bill establishes a maximum nighttime sound level of fifty to sixty decibels dBC for urban land use districts. Finally, the bill directs the county liquor commissions, with the assistance of the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for a permanent maximum sound level in dBC decibels for licensed liquor establishments.

Noise can be a major irritant for residents living in urban districts, especially those living in mixed use areas. Nighttime noise can be especially disruptive to residents who are trying to relax after work, spend time with their families, and get much needed sleep. Unfortunately, noise is a reality of urban living and it is something most urban residents learn to tolerate over time.

This bill is objectionable because it sets a new maximum nighttime noise level for urban land use districts which is not based on scientific, validated research. The new maximum sound level would be measured with the dBC weighting system, which has not been previously used by the Department of Health or the county liquor commissions. As a result, more study and research is needed before adopting this system and mandating a maximum sound level that will unfairly impact many law-abiding businesses located in mixed used areas.

I support provisions in the bill which would require the county liquor commissions, along with the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for maximum sound levels in urban areas. I encourage these entities to research and study this issue even though I am issuing a veto of this bill.

For the foregoing reasons, I am returning Senate Bill No. 605 without my approval.

Respectfully,  
/s/  
LINDA LINGLE

ROUGH DRAFT

Governor of Hawaii"

Gov. Msg. No. 525, transmitting her statement of objections to S.B. No. 777, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 777

Honorable Members  
Twenty-Fifth 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. 777, entitled "A Bill for an Act Relating to Comprehensive Sexuality Health Education."

This bill requires sexual health education programs that receive State funding to provide medically accurate and factual information that is age appropriate that includes education on abstinence, contraception, and prevention of unintended pregnancies and sexually transmitted diseases when engaging in intercourse.

This bill is objectionable because it will prohibit the use of State funds for a legitimate, proven form of sex education that encourages children to abstain from sexual intercourse.

Programs such as "Try Wait," offered by Catholic Charities, help teenagers to understand the implications of sexual activity and the options of refraining from such activity. According to data collected by the U. S. Department of Health and Human Services, Hawaii ranks 12th in the nation in teen pregnancies and 10th in the nation in sexually transmitted diseases. Students and their parents deserve to have options that provide instruction in and encourage abstinence.

The State Department of Health and the State Department of Education already provide medically accurate and factual content in the sexual health education programs they offer. The Board of Education's Policy No. 2110 requires schools' abstinence-based education programs to include information on protective devices and methods for preventing pregnancy and sexually transmitted diseases. Should the Department of Education elect to teach courses that focus on abstinence only that do not include instruction on preventing pregnancies and sexually transmitted disease, this bill would prohibit these education programs from receiving State funds.

For the foregoing reasons, I am returning Senate Bill No. 777 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 526, transmitting her statement of objections to S.B. No. 1005, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1005

Honorable Members  
Twenty-Fifth 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. 1005, entitled "A Bill for an Act Relating to Publicity Rights."

The purpose of this bill is to confirm the existence of a property right in the commercial use of a person's name, voice, signature, or likeness, known as the right of publicity. The bill also states that a "publicity right" must be registered in the trade name registry maintained by the Department of Commerce and Consumer Affairs in order for the right to be recognized and protected.

It is understandable that heirs would want to protect and control the use of the images, names, and creative products of their family members who are deceased. However, such protections need to be implemented in a manner that does not adversely impact the growth of creative industries within Hawaii and that does not use a business registration system ill-suited for the protections sought.

This bill is objectionable because it fails to provide sufficient guidance and clarity on the registration rights and requirements necessary to recognize and protect "publicity rights."

The "publicity right" provided for in this bill has to do with inter vivos and estate transfers unrelated to a business trade name, both in law and in fact. This bill offers no meaningful guidance on how to revoke the right, how to terminate the right, the grounds for rejecting a registration, whether an appeal right exists to an administrative hearing or a court, whether the State can charge for the filing of a publicity right trade name, and how often the information must be updated. These are requirements set for the registration of trade names and trademarks that are absent in this bill.

Further, this bill allows for the registration of a publicity rights trade name that is owned by multiple parties, whereas, currently, the trade name registration system does not allow for multiple ownership. It is unclear how the State handles the registration of the publicity right when the ownership parties do not agree.

My Administration recognizes there are individuals, particularly within the Hawaiian community, who seek legal protection for the names and images of the many talented artists who are no longer with us. My Administration is willing to work with legislators, stakeholders, model legislation experts, and the National Conference of Commissioners on uniform State laws to identify and draft a bill that meets the objectives sought but not achieved in this legislation.

For the foregoing reasons, I am returning Senate Bill No. 1005 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 527, transmitting her statement of objections to S.B. No. 1183, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1183

Honorable Members  
Twenty-Fifth 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. 1183, entitled "A Bill for an Act Relating to Discriminatory Practices."

ROUGH DRAFT

The purpose of this bill is to authorize and require the Hawaii Civil Rights Commission to adopt administrative rules to define certain terms regarding disability discrimination in employment.

This bill is objectionable because it is unnecessary and could lead to lesser protections for workers in the State of Hawaii. This legislation is not required because the Hawaii Civil Rights Commission already has statutory authority to promulgate administrative rules, as clearly enumerated in section 368-3, Hawaii Revised Statutes.

States usually amend their rules after the relevant federal agency, in this case the Equal Employment Opportunity Commission has issued guidance on revisions to federal law. The federal Equal Employment Opportunity Commission has not yet issued rules pertaining to changes in the Americans with Disabilities Act, as amended in 2008, although they have recently issued a notice of proposed rulemaking. It would be premature to ask the Hawaii Civil Rights Commission to act prior to the completion of federal rulemaking. It is also improper to ask the State to complete our rules by a date certain in the absence of knowing when the federal government will finish its rulemaking process. It should be noted that changes to terms such as "disability" can have wide ranging implications for the State in that a number of major benefit programs are provided for persons with disabilities. Thus, steps taken to revise definitions that impact these eligibilities should be undertaken with caution and not done in haste or under artificial deadlines.

Finally, it is important to point out that Hawaii has been proactive in statutorily defining protections in employment for those with disabilities. Some of our current definitions provide stronger protections for persons in the workforce than the definitions found in federal law.

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

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 528, transmitting her statement of objections to S.B. No. 1206, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1206

Honorable Members  
Twenty-Fifth 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. 1206, entitled "A Bill for an Act Relating to Counties."

The purpose of this bill is to allow Honolulu city and county boards to issue revenue bonds in their own name that are not subject to taxation by the State of Hawaii.

This bill is objectionable because it interferes with the jurisdictional authority of the City and County of Honolulu and agencies within that jurisdiction. The Honolulu City Charter, Section 7-105, authorizes the Honolulu Board of Water Supply to issue revenue bonds in its own name. Additionally, section 49-3 of Hawaii Revised Statutes provides all counties within the State of Hawaii with the authority to issue revenue bonds.

It is within the legitimate purview of the county councils to determine if they should exercise oversight of the revenue bond issuances of governmental and quasi-governmental entities within their respective counties. The State should not dictate what this relationship should be.

For the foregoing reasons, I am returning Senate Bill No. 1206 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 529, transmitting her statement of objections to S.B. No. 1218, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1218

Honorable Members  
Twenty-Fifth 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. 1218, entitled "A Bill for an Act Relating to Mortgage Loan Originators."

The purpose of this bill is to establish a regulatory program for the mortgage lending industry in compliance with the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Mortgage Licensing Act of 2008).

This legislation is objectionable because it does not establish a regulatory framework that complies with the S.A.F.E. Mortgage Licensing Act. A review conducted by national officials found serious deficiencies in this proposed legislation, including the fact that the bill fails to regulate independent contractors and underwriters who initiate and finance mortgages.

Further, the proposed bill neglects to address the regulation of mortgage brokers. Mortgage brokers would continue to be licensed under the existing Hawaii Revised Statutes, Chapter 454, while mortgage solicitors, as of August 1, 2010, would no longer be subject to this chapter. Mortgage brokers, their officers, directors, and administrative staff would not be required to meet the requirements of background checks, credit checks, pre-licensing testing, and continuing education obligations because current law is silent on these requirements and the proposed legislation does not encompass brokers.

Additionally, to implement the programs in this legislation, the Department of Commerce and Consumer Affairs would use fee charges from other businesses to initially set up the mortgage industry regulations, would not be allowed to charge fees until 2012, and those fees would likely be inadequate to cover the costs of administering the program.

If this legislation does not become law, the mortgage industry in Hawaii will be regulated, pursuant to the provisions of the S.A.F.E. Mortgage Licensing Act, which balance protections for the public with adequate scope for the industry to provide its lending services.

For the foregoing reasons, I am returning Senate Bill 1218 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 530, transmitting her statement of objections to S.B. No. 1224, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

ROUGH DRAFT

July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1224

Honorable Members  
Twenty-Fifth 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. 1224, entitled "A Bill for an Act Relating to Airport Concessions."

The purpose of this bill is to authorize the State to change the terms of certain airport concession contracts between the period of July 1, 2009 through July 1, 2011. This bill would apply to a narrow group of concessionaires who entered into their contracts after November 1, 2006 and who made capital improvements to their concession premises, or who make capital improvements as a result of Act 201, Session Laws of Hawaii 2004, or Act 128, Session Laws of Hawaii 2006.

While it is understandable that concessionaires should seek relief as a result of the downturn in airline travel and the economy, this bill poses a number of fiscal and programmatic concerns. I would note that the Department of Transportation already has the ability to adjust the terms and conditions of concession contracts when specific concessionaires are experiencing economic challenges.

The Hawaii State airport system is unlike any in the rest of the United States. Fifteen airports on six islands operate as a single State-run unit. Airlines and users are charged on a single system-wide basis. More than any other state, Hawaii is dependent upon air transportation as our critical link to the rest of the globe.

This bill fails to acknowledge that the airport must be a self-sustaining operation pursuant to the mandates and operational constraints established by the United States Federal Aviation Administration. Revenues from airlines, concessionaires, and other users, as well as federal grants, landing fees, and taxes, must cover the developmental and operating costs of the State airport system. When revenues are adjusted downward for one user, they must be adjusted upward for another user.

This is particularly important to remember as the State begins its third year of a twelve year \$2,300,000,000 airport modernization plan launched in 2006. This plan is funded by revenue bonds issued in the open market. The buyers of these bonds are depending upon the stream of revenues from the State to pay the interest and principal on these borrowings. The State of Hawaii is poised to issue the first increment of airport revenue bonds for the modernization project. Hawaii was fortunate that these bonds have been favorably rated by the nationally recognized bond rating firms, notably Moody's, Standard and Poor's, and Fitch, precisely because the State has pledged a stable stream of revenues to support the repayment of these bonds.

To take steps now to change course or cause the investment markets to question our commitment to financing the airport modernization project would be adverse to a project that is critical to the long-term economic health of our state. The Department of Transportation estimates that adjusting the terms and conditions of concession contracts of concessionaires experiencing economic challenges could cost between \$4,100,000 and \$7,100,000 per year that would otherwise be available to help cover the operational costs and bond payments to improve our airports.

For the foregoing reasons, I am returning Senate Bill No. 1224 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 531, transmitting her statement of objections to S.B. No. 1250, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1250

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1250, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to clarify that no individual may be employed by the Department of Education as a teacher on an emergency basis for more than four years in the aggregate and that during the time the individual is so employed, the individual shall demonstrate active pursuit of licensing as a teacher in each year of employment.

This bill is objectionable because section 302A-804, Hawaii Revised Statutes, was amended last year to limit the employment of an individual as a teacher on an emergency basis to no more than three years. This aligns Hawaii's teacher licensure requirements with the criteria for highly qualified teachers, as prescribed by the federal No Child Left Behind (NCLB) Act of 2001. Increasing the number of years that unlicensed, emergency hire teachers are allowed to teach in the classroom from three to four years misaligns State law with federal requirements that stipulate licensure in three years. This could also jeopardize federal funding under Title II of the NCLB Act and federal competitive funds available under the American Recovery and Reinvestment Act.

Furthermore, this bill amends section 302A-804 to state that individuals may be employed on an emergency basis by the Department of Education for no more than four years in the aggregate "beginning July 1, 2009." The amendment could be read to mean that even though an individual has worked for several years on an emergency basis as a teacher before July 1, 2009, that individual will be able to work on an emergency basis as an unlicensed teacher for an additional four years beginning on July 1, 2009. The latter possible interpretation is unacceptable.

For the foregoing reasons, I am returning Senate Bill 1250 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 532, transmitting her statement of objections to S.B. No. 1345, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1345

Honorable Members  
Twenty-Fifth 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. 1345, entitled "A Bill for an Act Relating to Agriculture."

The purpose of this bill is to provide additional compensation and rights to lessees of agricultural and pasture lands when the Board of Land and

ROUGH DRAFT

Natural Resources withdraws a portion of the leased land or when there is a condemnation of a portion of the leased land.

This bill is objectionable because it disproportionately and inappropriately compensates these lessees of public lands above other lessees of State lands. Current law, as embodied in Chapter 171 of Hawaii Revised Statutes, already provides procedures for the withdrawal of leased lands. Lessees must be given reasonable notice of the planned withdrawal. Their lease rents must be adjusted to reflect the portion of lands withdrawn and they must be compensated for the value of any improvements on the withdrawn portion. Further, if there are crops on the land, the lands cannot be withdrawn until the crops are harvested or the State pays for the value of the crops.

This bill would require the Board of Land and Natural Resources to also compensate certain lessees for the projected or presumed income losses they would incur on the withdrawn portions of their lease and for the insurance costs they incurred. Of even greater concern, this bill would grant these lessees an automatic extension of their lease on the remainder of the public lands they control. This automatic extension circumvents the authority of the Board of Land and Natural Resources and hinders their ability to ensure that public lands are used for the highest and best public use.

For the foregoing reasons, I am returning Senate Bill No. 1345 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 533, transmitting her statement of objections to S.B. No. 1678, SD 3, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
July 15, 2009

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1678

Honorable Members  
Twenty-Fifth 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. 1678, entitled "A Bill for an Act Relating to Taxation."

The purpose of this bill is to implement the Streamlined Sales and Use Tax Model Agreement and Act (SSUTA) by making changes to the Hawaii tax code and enacting such changes when Congress consents to the Agreement. This bill would also grant amnesty to certain taxpayers, foregoing revenues they owe the State, and impose a destination-sourcing rule on the imposition of taxes.

This bill is objectionable because it would abdicate the authority of the State to establish, administer, and change its general excise tax structure; grants amnesty to certain taxpayers, absolving them of the requirement to pay taxes due the State; and treats out-of-state vendors more favorably than in-state vendors.

In order to comply with the Streamline Sales and Use Tax Model Agreement and Act, the State and each local taxing jurisdiction must have a single tax rate, thus requiring Hawaii to set aside its current general excise tax structure and adopt a replacement tax structure. This replacement tax structure may not be permitted under the SSUTA. Of more significant concern, once the State of Hawaii participates in the SSUTA, the State must certify to a national governing board that the State's tax laws comply with the SSUTA. Any tax law changes in Hawaii in the future would be subject to the requirements of the national governing board, thus limiting, if not turning over, to an outside body the

ability of the State to determine its own tax revenue collections. Since taxes are the lifeblood of government, it is unsound public policy to give up the ability to determine the financial destiny of our state to a faceless entity thousands of miles from our shores that does not have the best interests of the people of Hawaii foremost in their consideration.

Secondly, the SSUTA requires the State to provide amnesty to out-of-state sellers that may or may not have nexus with the State. Thus, Hawaii would be relinquishing its right to collect general excise taxes that are justly due to the State. This will likely result in a revenue loss to Hawaii at a time when we can least afford to propose revenue losses.

Third, the SSUTA requires the State to pay out-of-state vendors who voluntarily participate in the SSUTA for collecting Hawaii taxes. The taxes we receive would be reduced by the collection fee paid to the out-of-state vendor. This gives out-of-state vendors an unfair advantage since Hawaii does not compensate in-state businesses for collecting and paying the required taxes.

Finally, the effective date of this bill is ambiguous in that the bill becomes effective "when the United States Congress enacts legislation overturning *Quill v. North Dakota*... by consenting to the Streamlined Sales and Use Tax Agreement." It is unclear as to what constitutes the overturning of *Quill v. North Dakota* and what constitutes consent to the Agreement.

For the foregoing reasons, I am returning Senate Bill 1678 without my approval.

Respectfully,  
/s/  
LINDA LINGLE  
Governor of Hawaii"

#### Gov. Msg. No. 505 and H.B. No. 183, HD 1, SD 2, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 183, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 505, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 183, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION" as contained in Gov. Msg. No. 505 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Marumoto and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:36 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 183, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 505, was approved.

#### Gov. Msg. No. 508 and H.B. No. 754, HD 1, SD 1, CD 2:

Representative B. Oshiro moved to override the veto of H.B. No. 754, HD 1, SD 1, CD 2, as contained in Gov. Msg. No. 508, seconded by Representative Evans.

Representative Marumoto rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this motion to override the Governor's veto on this measure. This bill makes various changes to the HTA, and it diverts \$7.5 million from the general fund to the Tourism Special Fund in FY2010-2011.

"Mr. Speaker the changes to the HTA that are embedded in this legislation will ultimately harm tourism, the State's most important industry. For instance, the transferring of the responsibility for conducting tourism research and statistics from DBEDT to the HTA will jeopardize the accuracy of that research. This is because the reliability of that information will be compromised by having the HTA, the agency responsible for achieving tourism goals, also in charge of measuring how well those goals have been met. As the Governor stated in her in veto message, these two functions need to be separated into two separate agencies in order to provide "credibility and stronger public confidence in both the data and the respective agencies." It should also be noted that the separation of the collection of data and the marketing and promotion of tourism is standard in many jurisdictions, including the Canadian government.

"Moreover, this is an unnecessary change. According to the Governor's tourism liaison, the State of Hawaii is "known internationally for having the best tourism research in the world." Why would we want to jeopardize this well-earned reputation by passing this unneeded reform?

"Another concern I have is the removal of the ex-officio members representing DBEDT, DLNR, DOT and the State Foundation on Culture and the Arts from HTA's board. Each of these members provide valuable input that will be needed to promote and strengthen tourism. In fact, the State Tourism Strategic Plan (TSP) identifies DOT, DLNR, and DBEDT as integral participants for meeting the goals and objectives to ensure tourism's success.

"Mr. Speaker, because tourism is such a vital part of our economy, it will be the key to our eventual recovery. As such, we should not do anything to hinder the ability of the State to promote and attract tourists, and I'm afraid that this bill does just that."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 754, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY" as contained in Gov. Msg. No. 508 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Marumoto and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:39 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 754, HD 1, SD 1, CD 2, as contained in Gov. Msg. No. 508, was approved.

**Gov. Msg. No. 510 and H.B. No. 1271, HD 3, SD 2, CD 1:**

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

**Gov. Msg. No. 511 and H.B. No. 1471, HD 2, SD 1, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1471, HD 2, SD 1, CD 1, as contained in Gov. Msg. No. 511, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1471, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FARMS" as contained in Gov. Msg. No. 511 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Brower, Finnegan, Marumoto and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:42 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1471, HD 2, SD 1, CD 1, as contained in Gov. Msg. No. 511, was approved.

**Gov. Msg. No. 512 and H.B. No. 1525, HD 1, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1525, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 512, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the override, stating:

"Thank you Mr. Speaker, in support of the override. I just want to quickly thank the members of FACE, their president, Reverend Nakata, and their Chair of Healthcare, Reverend Sam Domingo. Faith Action for Community Equity really drafted this bill. This was an outstanding job that they did.

"I also wanted to thank Evercare and Ohana Health Plan. These are the two for-profit mainland corporations that this measure seeks to get transparency on Medicaid contracts. Both corporations support this bill, despite what the Governor has indicated. So I just wanted to thank both Evercare and Ohana Health for supporting this bill, not being against it, and for disclosing their support of it to the Governor despite her still vetoing the bill after everyone said it was fine.

"I would like to submit written comments to the Journal please, Mr. Speaker. Thank you, very much."

Representative Mizuno's written remarks are as follows:

"Mr. Speaker I rise in support of a veto override for HB1525.

"Some of the best pieces of legislation are not necessarily written by legislators, but by members in our community. In this case, I would like to commend Rev. Bob Nakata, President of FACE, Rev. Sam Domingo, Chair of their Healthcare Committee of FACE, and the members of Faith Action for Community Equity for their outstanding effort and tireless work on HB1525. This bill was created by FACE they certainly deserve authorship of this measure.

"To describe this measure, I found the staff writers of the Honolulu Advertiser did a very good job.

"On July 5, 2009, the *Honolulu Advertiser*, staff writers, mentioned nine (9) bills which the Governor should not veto. HB1525 was one of them, and this is what they stated:

HB1525 would set stricter financial reporting requirements in future Medicaid health insurance plan contracts, whether the contractor is a nonprofit or for-profit company. Public transparency is essential when entrusting any entity with tax funds to fulfill a critical public service.

"The purpose of this measure is to require the Department of Human Services to award future Medicaid contracts to nonprofit and for-profit entities that comply with reporting requirements.

"If there is one word to describe this bill it would be, transparency.

"It makes common sense to review information which will help to determine the qualifications of entities which may be awarded a Medicaid contract such as \$1.5 billion dollars . . . for services for the aged, blind, and disabled.

"\$1.5 Billion Medicaid Contract (This contract is twice the amount of the current projected budget shortfall for the State – look at all the attention the budget shortfall received compared to this contract)

"On February 1, 2008 the State awarded \$1.5 billion contract, its largest contract ever, to two mainland for-profit health plans UnitedHealth – parent company of Evercare and WellCare – parent company of Ohana Health.

"\$1.5 Billion Medicaid Contract – covering 37,000 Aged, Blind, and Disabled by two for-profit companies. To date, our Aged, Blind, and Disabled population has grown to about 41,000.

"It makes sense to have entities being considered for a \$1.5 billion Medicaid contract to provide business data to help contract evaluations.

"DHS Administrator – it doesn't matter what happened on the mainland and I didn't want to start a panic by bringing this information up.

"DHS Administrator stated at an Informational Briefing, "It doesn't matter what happened on the mainland" regarding any legal concerns these two for-profit companies had on the mainland.

#### CONCERNS: WELLCARE

"On February 19, 2009, the United States Centers for Medicare and Medicaid Services prohibited WellCare (Ohana Health) from enrolling new members in its Medicare health plan and prescription drug plan in all 50 states. CMS stated the sanction is a result of WellCare's "longstanding and persistent failure to comply" and its rating as one of the overall worst performers among all plans. Medicare accounts for WellCare's largest piece of business. How financially stable is this company?

#### CONCERNS: UNITEDHEALTH

"On January 15, 2009, UnitedHealth (Evercare) agreed to pay \$350 million to settle three class-action lawsuits filed by physicians and health plan members because they were understating reimbursements by as much as 28% in some cases over the last ten years. New York state Attorney General Andrew Cuomo stated, "With this agreement (settlement), the tide is turning against the corrupt reimbursement system that took hundreds of millions of dollars from the pockets of patients nationwide."

"At the same time, UnitedHealth settled for \$50 million on an American Medical Association lawsuit over the same problem: a computer payment system that systematically under-reimbursed providers. AMA's president called it a "rigged system" but it was also used by other major insurers, including Blue Cross/Blue Shield insurers. The \$50 million is to be used by a new nonprofit agency to create a fair payment computer system.

#### CURRENT

"Today there are multiple criminal and civil suits filed against these companies in 37 states, as well as ongoing federal investigations.

"We need to improve patient care. We need Transparency. We need this bill.

#### KEEPING IT REAL: TRANSPARENCY

Ohana and Evercare are fine with HB1525. The Governor did not do her research or disregarded the fact that Evercare and Ohana health are supportive of HB1525.

"According to the Governor's Veto explanation issued on June 30, 2009, she states, "This measure communicates an anti for-profit sentiment and is designed to protect AlohaCare, HMSA, and Kaiser from competition by for-profit health maintenance organizations, Evercare and Ohana Health Plan, in the QUEST and QExA Medicaid programs."

This is completely incorrect. First, the measure treats nonprofits the same as for-profits. Read the bill language.

"Next, both Ohana Health Plan and Evercare were supportive of HB1525.

"On July 6<sup>th</sup> (Last week) the Senate Chair of Human Services and I had a meeting with Hawaii's Executive Director of Ohana Health (Erhard Preitauer). He shared with us that the costs for medical transportation (based on 2005 figures) were actually 12 times higher than calculated using the State's 2005 figures and thus they needed to reduce some non-emergency transportation services.

"Both the Senate Chair of Human Services and I asked Ohana's Executive Director if he was okay with HB1525, and his answer was "yes." HB1525 was fine. His concern is with inaccurate medical cost estimates and providing healthcare coverage to his clients. Mr. Preitauer stated he has no problem with the transparency and accountability requested by HB1525.

"I received an emailed from Bob Ogawa from Evercare, on or about August 3, 2009, which specifically stated that Evercare never wanted to have HB1525 placed on the veto list. In fact, Mr. Ogawa wrote that communication to the Governor's office was for the Governor to sign the bill, not to veto it.

"The email from Mr. Ogawa confirms Evercare's position that they support HB1525 and were against a veto for this measure.

"For all of the foregoing reasons, I respectfully request this body to override Governor's veto of HB1525. This measure will ensure transparency for future Medicaid contracts and ensure adequate healthcare services for those who depend on it."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1525, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID" as contained in Gov. Msg. No. 512 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 46: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 1: Marumoto.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:46 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1525, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 512, was approved.

ROUGH DRAFT

**Gov. Msg. No. 513 and H.B. No. 1538, HD 1, SD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1538, HD 1, SD 1, as contained in Gov. Msg. No. 513, seconded by Representative Evans.

Representative Nishimoto rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I'm very happy we're taking up this very important bill. I'm in support of the override. For those of you that read the Governor's rationale, I don't agree with it. In the bill it says, 'when feasible.' So the DOE only has to use it when it is feasible. It's not something that's mandated. For that reason, I think we should override it."

Representative Brower rose to speak in support of the override with reservations, stating:

"Mr. Speaker, with reservations. Mr. Speaker, green cleaners promise natural ingredients which break down quickly in the environment and impose less of a toxic threat to humans and ecosystems. We've seen products with 'earth friendly' and 'eco' in their brand names. I use these products, like Simply Green, Miracle Foam, and other multipurpose stain removers. But we must use caution that just because the ingredients in green cleaners are plant based or natural, does not necessarily mean they're more safe. Green products can't completely match in terms of strength, as conventional cleaners that contain chlorine such as bleach.

"Green cleaners come with some tradeoffs. They're more expensive and they require more effort to achieve the same level of visual cleanliness that more traditional cleaners take. That being said Mr. Speaker, I'm cautiously optimistic about this measure, and applaud the efforts of the introducer. After being here for 8 years, he certainly has come to learn that we really need a bill like this and is very much a visionary. Thank you, very much."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1538, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS" as contained in Gov. Msg. No. 513 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 46: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 1: Finnegan.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:51 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1538, HD 1, SD 1, as contained in Gov. Msg. No. 513, was approved.

**Gov. Msg. No. 514 and H.B. No. 1544, HD 1, SD 1, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1544, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 514, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the override, stating:

"Very briefly Mr. Speaker, I am in opposition to this measure. We passed a bill earlier this Session which raised income taxes, and this does the same thing through the back door. We don't need higher taxes. We don't need more taxes. I urge all my colleagues to vote no. Thank you."

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to the override. The purpose of this bill is to phase out Hawaii's income tax personal exemption starting in tax year 2009. The result of this action would be to decrease Hawaii's personal exemption of \$1,040 per person by two percent for every \$2,500 over the income threshold of \$199,963 for individual filers and \$179,963 for joint filers. This measure sunsets on June 30, 2015.

"This is yet another tax increase passed out of this Body at a time when Hawaii's residents and businesses can least afford it. Hawaii's personal exemption of \$1,040 has not been adjusted since 1985. This is unbelievable given the high cost of living in Hawaii, and that federal government's personal exemption of \$3,500 is higher and is adjusted annually for inflation. Now, thanks to this bill, the personal exemption will go down for many of Hawaii's residents.

"Once again, the Legislature is targeting this tax increase on the upper income individuals. This same group of people was targeted earlier through an increase in their income taxes. Those taxes will do great damage to small business since they report their earning as income. Now those same businesses will be hit again by this bill decreasing their personal exemption. This will hurt their ability to create jobs or increase wages. Also, our community relies heavily on charitable giving; to implement this now will certainly harm our non-profits and their important work. As a result, Hawaii will fall deeper into this recession. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1544, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX EXEMPTIONS" as contained in Gov. Msg. No. 514 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 40: Aquino, Awana, Belatti, Bertram, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 7: Brower, Ching, Finnegan, Har, Marumoto, McKelvey and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 2:54 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1544, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 514, was approved.

**Gov. Msg. No. 515 and H.B. No. 1552, HD 2, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 1552, HD 2, SD 2, CD 1, as contained in Gov. Msg. No. 515, seconded by Representative Evans.

Representative Wooley rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I rise in support. I'd just like to thank all the Members for being visionary and supporting these families in Kahana and really laying the foundation to allow that park to live up to its full potential. I'd like to submit written comments into the record."

Representative Wooley's written remarks are as follows:

"HB 1552 is a bill that reflects our legislators' commitment to humanity and fairness for the people of Hawai'i. For me, it is also a testament to

ROUGH DRAFT

people caring about other people, even in distant communities, because they know what is *pono*. For residents in Kahana, this is a bill they have worked hard for, and hoped to see turn into law for many years. It is a bill that will prevent the bulldozing of homes and eviction of six families from the land where they grew up – land where they have been children, they have had children, and they now care for their children's children. It is also a bill that gives all the people of Kahana, Hawai'i, and the world a chance to support, create, and learn about a special place where Hawaiian culture and land management is practiced, promoted, and shared with *aloha* and respect for our *kupuna*.

"I am very excited about this bill -- for my community, for all children, and future generations. HB 1552 will give life back to the concept of a living park in Hawai'i. It will take a lot of work, commitment, and patience, but I'm confident the vision Hawai'i's people have for the future will make our only living park, Kahana Valley, a success story.

"The support from the community carried this bill through the legislative process, and will carry it again, today, as my fellow legislators consider an override of the Governor's surprising veto.

"The veto is surprising for many reasons. This Administration had many opportunities to comment on this bill, and I sought and received the valuable input from the Department of Land and Natural Resources and the Department of the Attorney General staff as this bill moved through the legislative process. As the bill passed out of the House two times before going to the Governor, there was not one dissenting vote; House Republicans stood shoulder to shoulder with Democrats to support the bill. The same exact bill passed the Senate with only two dissenting votes. As a result, I was shocked to see the Governor veto this bill. She stated that she vetoed it because the bill would prevent the State from evicting people in Kahana if they committed a crime. The comment came out of the blue and is based on an unnecessary Conference Committee insertion that had appeared in other living park bill proposals. While this provision is not necessary to the bill, the Administration's purported concern with it is nonsensical, agitates fear and dissent, eliminates hope, and denigrates the people residing in our only living park.

"The bill does not prevent the eviction of people from Kahana if they are involved in criminal activity. The Administration's comments mix up judicial law with executive agency authorization. If a person in Kahana Valley were to commit a crime, they must be prosecuted under the law and potentially put in jail. If such a speculative, criminal action were to occur within the two years provided for in the statute, it would be up to a court to determine whether there would be cause for eviction. Furthermore, our State statutes never provide for lessees to lose their lease if they commit a crime. (Federal drug law allows for this consequence, but State law would never trump this federal provision.) In fact, there are legal protections for lessees to ensure they receive due process before being evicted even if they are convicted of a crime. This Administration would have it otherwise -- and this is exactly why it is so critical we pass this bill today.

"The genesis for this bill is partly based on history, and was catapulted to success because this Administration attempted to evict six families from Kahana Valley in October 2008, with no due process, no appeal process, no negotiation, and with only 72 hours notice that their homes were about to be bulldozed. The Administration justified its action by referencing its own legal opinion (in contrast to a previous Attorney General legal opinion) that no lease negotiations for residents of Kahana were allowed because the State living park law had expired. Under pressure from the public, this Administration backed down and said it would not evict and bulldoze the families out of Kahana until the 2009 Legislature had the opportunity to pass a law to reauthorize the State's negotiating authority. The Legislature did what the Administration said we should do; this is just one more reason the Governor's veto is such a surprise.

"So I stand in support of this bill and would like to say *mahalo* to my colleagues, my community, and the residents of Kahana Valley for their hard work and commitment to promote hope and collaboration for the future of Hawai'i, and making HB 1552 law."

Representative Har rose to speak in opposition to the override, stating:

"Thank you Mr. Speaker, I rise in opposition to the veto override of House Bill 1552. Mr. Speaker, this bill purports to: 1) establish a Kahana Planning Council to develop a master plan for the Kahana Valley State Living Park; 2) authorize DLNR to issue long-term residential leases to qualified persons who currently reside within and contribute to the living park; and 3) place a two-year moratorium on the eviction of Kahana Valley residents.

"Mr. Speaker, I first want to thank the introducer of this bill because the intent of this bill addresses the concept of a master plan for Kahana Valley as a State living park, and vests ownership in the residents by allowing them to contribute to the concept of a living park, which is appropriate for Kahana Valley.

"My issue with this bill however, Mr. Speaker, deals with the fact that the two-year moratorium creates a shield for an individual engaging in illegal activity. This illegal activity thereby creates an unsafe environment for the other residents of Kahana Valley who are putting in their time and contributing towards the living park concept. By imposing a moratorium on the eviction of tenants, it allows a tenant to commit a crime and hide behind the shield of the moratorium. This exposes the State to liability in the unfortunate event that a tenant commits a crime against another resident living in Kahana.

"Mr. Speaker, colleagues, isn't it a basic function of government to ensure the health and safety of our residents? I submit that the two-year moratorium in this bill puts residents of Kahana Valley in harm's way in the event another resident is involved in illegal activity.

"More importantly Mr. Speaker, the override of this veto is unnecessary. I have an email from the Director of the Department of Land and Natural Resources reaffirming the Department's commitment to the 6 families impacted by the bill. I'd like to quote from this email from Director Thielen. She states, 'We are committed to allow the residents to stay in Kahana and will not take any action to evict any resident, including the 6 families without leases, during the interim period, provided they meet their commitment to 25 hours of volunteer service per month.'

"Moreover, in the Governor's veto message she states, 'I am affirming in the veto message my administration's commitment to not evict the families in the park during the balance of the term of my administration, as long as the persons residing in the park meet their lease responsibilities to participate in activities benefitting the park, and do not engage in criminal activities. Further, I am pledging my commitment to introduce legislation in the 2010 legislative session that would allow the Department of Land and Natural Resources to issue replacement leases to those who qualify for such leases, pursuant to Act 5 of 1987, and who agree to abide by the original intent and requirement of that Act.'

"Mr. Speaker, we have written confirmations from both the Governor and the Director of the Department of Land and Natural Resources, that the Administration will not evict the families, thereby abrogating the need for a moratorium.

"Mr. Speaker, as the Vice Chair of Water, Land, & Ocean Resources, I have met many of the residents of Kahana Valley, including the Sullivan Ohana, the Johnson Ohana, and the Kahala Ohana. Because I've had the privilege of meeting these residents, and on behalf of the other families who are involved in the 28 other leases, I cannot in good faith support this veto override, which could potentially endanger the health and safety of these residents.

"For the safety of the residents, Mr. Speaker, I stand in opposition to the veto override of H.B. No. 1552. Thank you."

Representative Souki rose to speak in opposition to the override, stating:

"Yes Mr. Speaker, with respect to the Representative that represents that area, I'm compelled to vote no on this measure for many of the reasons that were stated by the previous speaker. In fact, I had a conversation with the Director, and she reiterated exactly what was stated. And for the safety of the residents there, and as responsible Representatives, I don't believe that at this point in time we can vote for that measure and override this

particular bill. I think we can take a look at this again next year, and there'll be enough time to take the appropriate action if need be for next year. Thank you, very much."

Representative Wooley rose to respond, stating:

"Thank you Mr. Speaker, in rebuttal. Thank you. I'm surprised to hear two of my colleagues parrot the Governor's comments on this bill, but I just want to clarify, there's nothing in this bill that says that people cannot be evicted if they do criminal activities. It doesn't say that. It's a good sound bite. It is a statement that is simply strange in relation to this bill, however.

"When people do something illegal, under current law, they're prosecuted. Maybe they're arrested. Maybe they're put in jail. And nothing in HB 1552 prevents this. The only example I can think of where somebody would be evicted and a home bulldozed is if they did commit a criminal activity, is, well, never. But there is a federal law dealing with drugs, and that would never trump this State law. So there certainly is no situation where the criminal activity should be relevant. Somebody's doing something illegal, they should be prosecuted, as in any other situation.

"And I just do want to take a minute to emphasize how critical this bill is now. Kahana Valley is a very special place. It's the only place in Oahu that still has Hawaiian families managing the land, and it's our only intact *ahupua'a* where people are living and providing services to the public.

"This Administration has taken repeated steps to take the people out of Kahana. First, in reversing a decision that the Attorney General had issued, and making clear that there is no more law for Kahana Valley and negotiations for lease agreements cannot be entered into. After that, DLNR took actions to evict and bulldoze the homes of 6 families, giving them 72 hours notice, and I personally was involved in talking to DLNR, who previously assured me they would not do this, and they refused all negotiation and mediation efforts. The only thing that caused them to finally back down was the public outcry. And at that time, the Administration said they would leave it up to the Legislature to fix the law.

"That's what we did, and now it's time to move forward. I thank all my colleagues for their support."

Representative Shimabukuro rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. Also in support, and I'd like to adopt the words of the speaker from Hauula as my own. My understanding of this legislation is that it simply extends a law that had sunset. There are issues that are being raised. I think these things that have been hashed out in the past, which is why these families have been there for so long. And I really do think, like it was said in a recent news report from the Hawaiian community that was very upset about this intended veto. This is one of the last, if not the last living park on this island, and it would be tragic to lose it.

"If there are measures that DLNR or the administration wants to bring forward next Session to improve upon this legislation, that's just 5 months away, and we can look at that and amend the bill if we need to. But I think it's critical that after all these families have been through, that we do support them now and pass this measure out. Thank you."

Representative Har rose to respond, stating:

"Thank you Mr. Speaker, just a brief rebuttal regarding the criminal activity. Again, if a person engages in criminal activity Mr. Speaker, again, that does not abrogate the fact that a lease is created. So in the event that individual, let's say goes to jail and is let out on probation, that person still is allowed to reside in Kahana Valley. So God forbid, if that person, let's say, should go and commit a crime, a heinous crime against another resident living in Kahana Valley, quite frankly Members, we've exposed the State to liability, because we've now created a moratorium allowing that person to stay in this park. We are again, creating a dangerous situation for the health and safety of these residents.

"Members, as the Vice Chair of Water Land, it's important to note something. There are 28 leases currently in Kahana Valley. Meaning there are families who are there legally under these leases. And let's be clear on something. Many of those families actually came out against this bill. Not everybody living in Kahana Valley was in support of this bill. And from what they told me, they had concerns. They feel that this bill is creating a divide. But more importantly again, as government, we have a basic duty to ensure the health and safety of all of Hawaii's residents. And in the event that we are condoning criminal activity, which this bill does in fact do, there is no out for the State. So on that basis Mr. Speaker, again, I stand in opposition to the veto override."

Representative Marumoto rose to speak in opposition to the override, stating:

"Mr. Speaker, I'm in opposition, and to be cautious, I think we should be going slow on this bill. I simply would ask that the words of the Vice Chair of Water, Land Use, be taken as my own. Thank you," and the Chair "so ordered. (By reference only.)

Representative Bertram rose to speak in support of the override, stating:

"Yes, in strong support. Just in the sense that Representative Wooley had a very good discussion with these folks, and I think the points she brings up, and the scare tactics that seem to be out there don't really seem to add up to much. Thank you."

Representative Belatti rose to speak in support of the override, stating:

"Thank you Mr. Speaker, I guess I would also like to stand up in support. The comment that I would like to make is that the standard that the good Representative from Kapolei would like to apply to who is allowed to reside on State lands, if we were to apply that to the public housing situation, we might be in a sticky situation. I think that in support of the residents, in support of the negotiations that have gone on, in support of the legislative process, I think we should let this bill move forward. Thank you, Mr. Speaker."

At 3:06 o'clock p.m. Representative Yamane requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:07 o'clock p.m.

Representative Finnegan rose to speak in opposition to the override, stating:

"Mr. Speaker, in opposition and if I could also adopt the words from the Vice Chair of Water Land. And just also say a couple words of my own. In regards to the comparison of public housing, I do have public housing in my district. And some of the issues that I hear from a lot of our public housing residents are that those are the people that they're trying to get out of public housing, people who don't belong there. They are there illegally, and for the most part cause the most harm on these public housing properties. And it's very difficult, even if they're there illegally, to get them, I guess taken out of these public housing properties. And just kind of relating that to the struggles that we've had in my area, in Pu'uwai Momi, and the residents and their feelings towards a similar situation, I will be standing in opposition. Thank you."

Representative Ching rose to speak in opposition to the override, stating:

"Thank you Mr. Speaker, in opposition as well. With all due respect to the Representative from Kahaolu, who I know cares much about her district, I too agree with the Vice Chair of Water Land and the Minority Leader. And what scares me about this bill is the precedent it might set in the moratorium. Thank you. And I ask that their words be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Shimabukuro rose to respond, stating:

"Mr. Speaker, I just wanted to speak a brief rebuttal to what's being said. People are talking about being afraid of setting up this lease that they can't

ROUGH DRAFT

get out of and we might end up being liable. If you look at contract law and landlord-tenant law, these people probably don't fall under landlord-tenant code, but to give you an example. If someone signs a lease for a rental, even if it's not specifically stated in that contract, if the person then does something that threatens the health and safety of other tenants or something that's clearly illegal, there are ways for the landlord to then end that contract lawfully. And I would imagine that that type of contract law would apply as well in this situation. Thank you."

At 3:12 o'clock p.m. Representative Carroll requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:12 o'clock p.m. with Vice Speaker Magaoay presiding.

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this override. Unfortunately, given the Council on Revenue's projections and budget cuts to DLNR, I cannot support the override.

"Also, the moratorium provision of this bill is considered special legislation which is in violation of Section 5 of Article XI of the Hawaii Constitution and is therefore, vulnerable to a constitutional challenge. In addition, with regard to the Living Park Planning Council, being that Kahana Valley is a State Park, the Governor should have the authority to appoint the members of the council, and the council should be subject to the Sunshine Laws of the State of Hawaii, offering transparency to what the council is discussing.

"Given its current fiscal difficulties, and the possibility of constitutional challenges, the Department of Land and Natural Resources does not feel it has the capacity to support the new programs contained in this measure. It is for these reasons I ask that this veto be sustained."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1552, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS" as contained in Gov. Msg. No. 515 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 39: Aquino, Awana, Belatti, Bertram, Brower, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Say, Shimabukuro, Takumi, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 8: Cabanilla, Ching, Finnegan, Har, Marumoto, Saiki, Souki and Tokioka.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:15 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1552, HD 2, SD 2, CD 1, as contained in Gov. Msg. No. 515, was approved.

**Gov. Msg. No. 517 and S.B. No. 19, SD 1, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 19, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 517, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 19, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT" as contained in Gov.

Msg. No. 517 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Ching, Finnegan and Marumoto.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:18 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 19, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 517, was approved.

**Gov. Msg. No. 518 and S.B. No. 43, SD 2, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 43, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 518, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 43, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT" as contained in Gov. Msg. No. 518 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Marumoto and Pine.

Excused, 5: Berg, Herkes, Takai, Thielen and Ward.

At 3:21 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 43, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 518, was approved.

**Gov. Msg. No. 519 and S.B. No. 50, SD 1, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 50, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 519, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 50, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY PRODUCERS" as contained in Gov. Msg. No. 519 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 40: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 7: Finnegan, Har, Marumoto, McKelvey, Morita, Pine and Saiki.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:23 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 50, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 519, was approved.

**Gov. Msg. No. 521 and S.B. No. 415, SD 2, HD 1, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 415, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 521, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you Mr. Speaker, in opposition. When I first saw this in our Health Committee, one of the things that the Departments of Health and Human Services had brought up was the need for this licensing of homecare agencies to be actually in the Department of Human Services, and now I'm seeing it repeated in this veto message as being that's the place that it should be, as well as some of the other things that may cause some problems with the State Constitution.

"However Mr. Speaker, that's why I'm voting no, because this is something that I think we had seen for a long time now, and I think we should keep that under the Department of Human Services. The Department of Health is going to have what looks like, because of the situation right now with the economy and the Governor not having too many places in her departments where she can cut, and I think that because of not being able to control some of the different departments, that we're going to see a lot of cuts in the Department of Health area, and we shouldn't be putting on something a whole new program of licensing to that Department when I think that we're going to have a really difficult time in that particular Department of Health. Thank you."

Representative Mizuno rose to speak in support of the override, stating:

"Thank you Mr. Speaker, I rise in support of this measure for the veto override. Thank you, Mr. Speaker. It is a good measure. It provides oversight over those homecare agencies which will provide nurses, nurses' aides, certified nurses, to come to your house, your parent's house or your aunt and uncle, your grandma's house, for healthcare services. The concern that I have is that as our population grays, and we are graying faster than any other state in the nation, we need to have oversight. We need to make sure that our *kupuna* are properly cared for. That they are not abused, and that there is not financial exploitation happening. So I think the oversight is fine.

"I think we need this measure, and I think if the Department of Health, the bill the way I read it does not go in effect until July 1, 2010. If they feel that they should be working with the Department of Human Services to have the oversight, they can surely come to the Legislature in the interim to work on this. Again, I believe this measure doesn't take effect until next year anyway. But this measure is certainly needed for oversight for our *kupuna*, and I think it's a good measure. Thank you, Mr. Speaker.

Representative M. Lee rose to speak in support of the override, stating:

"I rise in support of the measure. Mr. Speaker, this is really an important measure, and it's something that is supported not only by the Kupuna Caucus, but the Joint Legislative Committee on Aging in Place, and the safety of our seniors and persons with disabilities in the home is really of paramount importance. So I think that getting this going in 2010 will actually help us to keep more people in the home and receive care from the family caregiver, so I support this measure and I support the override. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, second time, still in opposition. I just wanted to make sure it was clear that in regards to licensing home care agencies

and in regards to make sure that our *kupuna* are kept safe, I agree, 100% that that should be done.

"In regards to how a program needs to be set up to best work in our government so that it can be successful, the Department of Human Services has the expertise in this area, and they have other things to compare it to in other states as well. So I think that we should just, from the beginning, take the recommendations of these departments who have the expertise. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 415, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES" as contained in Gov. Msg. No. 521 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 46: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 1: Finnegan.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:30 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 415, SD 2, HD 1, CD 1, as contained in Gov. Msg. No. 521, was approved.

**Gov. Msg. No. 522 and S.B. No. 420, SD 2, HD 2:**

Representative B. Oshiro moved to override the veto of S.B. No. 420, SD 2, HD 2, as contained in Gov. Msg. No. 522, seconded by Representative Evans.

Representative Tokioka rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tokioka's written remarks are as follows:

"In support. Thank you, Mr. Speaker, for allowing me to insert written remarks in support of SB 420, the Naturopathic Medicine Modernization bill. Mr. Speaker, prior to my visits with Dr. Dubey ND, LAc, I was skeptical and a non-believer. As a patient of a naturopathic physician I can attest to the health benefits and improvements I have received as a result of his care.

"This bill will help alleviate the shortage of physicians and provide for easier access to care for residents of rural areas while treating patients with the same kind of preventative and conventional medicine practices as seen in the urban areas. In addition to the normal care provided, naturopathic physicians may also specialize in alternatives to medicine or prescription drugs through: massage, acupuncture, personal training, chiropractic, holistic health, nutrition, herbal, Chinese medicine and homeopathy solutions.

"For these reasons and many others, Mr. Speaker, I am in support of this bill."

Representative Marumoto rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to the veto override of this measure.

"This bill contains many changes to the regulations of naturopathic physicians that include expanding the scope of practice of naturopathic physicians by authorizing them to administer injections, perform minor office procedures, prescribe medicines and non-controlled substances, perform common diagnostic procedures (including the taking of blood and x-rays), and practice behavioral medicine, authorizing the issuance of temporary licenses for out-of-state naturopathic physicians in times of emergency, and clarifying the titles that may not be used by unlicensed persons.

"I oppose this measure because it does not provide adequate protection for the health and safety of the public. Some of the most potent drugs, such as penicillin, available are "natural" and expanding the privilege of prescribing, administering by injection or other means, and dispensing these drugs to naturopaths is dangerous and beyond a naturopath's expertise. Naturopathic training and education in medical care is not as extensive and thorough as that of a medical doctor. They do not have the adequate training or experience in relation to administering, prescribing, or dispensing pharmaceutical controlled substances.

"Another problematic aspect of this bill is the provision granting the Board of Examiners in Naturopathy the authority to establish and publish a naturopathic formulary of medicines, prescription drugs, and other substances from which naturopaths would be able to prescribe, administer, or dispense medication. That Board is composed of 3 naturopathic physicians and two public members. This means the formulary would be primarily the decision of naturopaths themselves. The formulary should include the participation of medical doctors and licensed pharmacists.

"Mr. Speaker, naturopaths provide a valuable service to the people of Hawaii. However, they do not have the education or the training that is needed for the responsibilities they are granted in this bill. We should protect the health and safety of the people of Hawaii by sustaining this veto."

Representative Har rose in support of the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Har's written remarks are as follows:

"In support. Mr. Speaker, I rise in support of Senate Bill 420, House Draft 2, Relating to Naturopathic Medicine; Naturopathy; Parenteral Therapy. This bill amends the title of Chapter 455 to "naturopathic medicine" and amends references therein. It defines "naturopathic medicine," changes the name of the Board of Examiners in Naturopathy to the Board of Naturopathic Medicine, and authorizes the Board to make rules. It further authorizes temporary licensure to licensed out-of-state naturopathic physicians in a declared public health emergency.

"This bill will help alleviate the shortage of physicians and provide for easier access to care for residents of rural areas while treating patients with the same kind of preventative and conventional medicine practices as seen in the urban areas. In addition to the normal care provided, naturopathic physicians may also specialize in alternatives to medicine or prescription drugs through: massage, acupuncture, personal training, chiropractic, holistic health, nutrition, herbal, Chinese medicine and homeopathy solutions. As a patient of a naturopathic physician, I can attest to the health benefits and improvements I have received as a result of this care and believe others who seek this type of treatment, should be given the right to choose naturopathic medicine as a form of alternative medicine.

"For these reasons, I stand in support of this bill."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 420, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE" as contained in Gov. Msg. No. 522 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 2: Ching and Marumoto.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:34 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 420, SD 2, HD 2, as contained in Gov. Msg. No. 522, was approved.

**Gov. Msg. No. 523 and S.B. No. 539, SD 1, HD 1, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 539, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 523, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 539, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS" as contained in Gov. Msg. No. 523 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Har, Marumoto, McKelvey and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:36 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 539, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 523, was approved.

**Gov. Msg. No. 524 and S.B. No. 605, SD 1, HD 3, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 605, SD 1, HD 3, CD 1, as contained in Gov. Msg. No. 524, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, in opposition to the motion to override. This bill requires the Department of Health to add the dBC decibel weighting system to the current dBA decibel weighting system for purposes of community noise control, and sets the permissible maximum sound levels for nighttime in any urban land use district and grants the DOH and the county liquor commission the authority to enforce these limits. It also directs the county liquor commission, with assistance from the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for a permanent maximum sound level, in decibels.

"As brought up in testimony during this Session, the Department of Health feels implementation of this measure would require additional expenses during these difficult financial times, and is not aware of a technical basis for these levels and think research is necessary, and that

rulemaking is a better approach. Clearly, additional expenses would be the case as the Department does not have very many, I believe one or two, of the devices necessary to measure the sound called for in this bill.

"We just came off a Session where we had to make budget cuts. The Department of Health was no exception. It may be that in 2010, we may have to do it again. And while I think we would all like lower sound levels at night, I don't think this is the time to start new programs when we just cut older and more core Department of Health programs than this.

"Also, as noted in the Governor's Veto message, the new maximum nighttime noise level for urban land use districts is not based on any scientific or validated research. This is premature, it needs a study, at least to determine what the noise level limit should be."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 605, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE" as contained in Gov. Msg. No. 524 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Finnegan, Har and Marumoto.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:39 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 605, SD 1, HD 3, CD 1, as contained in Gov. Msg. No. 524, was approved.

**Gov. Msg. No. 525 and S.B. No. 777, SD 1, HD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 777, SD 1, HD 1, as contained in Gov. Msg. No. 525, seconded by Representative Evans.

Representative Finnegan rose in opposition to the override and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 777, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION" as contained in Gov. Msg. No. 525 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Aquino, Ching, Finnegan and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:42 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 777, SD 1, HD 1, as contained in Gov. Msg. No. 525, was approved.

**Gov. Msg. No. 526 and S.B. No. 1005, SD 2, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1005, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 526, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1005, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS" as contained in Gov. Msg. No. 526 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Ching, Har and Marumoto.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:44 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1005, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 526, was approved.

**Gov. Msg. No. 527 and S.B. No. 1183, SD 2, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1183, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 527, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1183, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES" as contained in Gov. Msg. No. 527 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 2: Ching and Finnegan.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:47 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1183, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 527, was approved.

**Gov. Msg. No. 528 and S.B. No. 1206, SD 1, HD 1, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1206, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 528, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1206, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES" as contained in Gov. Msg. No. 528 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III

of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Marumoto and McKelvey.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:49 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1206, SD 1, HD 1, CD 1, as contained in Gov. Msg. No. 528, was approved.

**Gov. Msg. No. 529 and S.B. No. 1218, SD 2, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1218, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 529, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1218, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS" as contained in Gov. Msg. No. 529 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 44: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Har, Marumoto and McKelvey.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:52 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1218, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 529, was approved.

**Gov. Msg. No. 530 and S.B. No. 1224, SD 1, HD 2, CD 1:**

Representative B. Oshiro moved to override the veto of S.B. No. 1224, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 530, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1224, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT CONCESSIONS" as contained in Gov. Msg. No. 530 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Marumoto and Pine.

Excused, 4: Berg, Takai, Thielen and Ward.

At 3:54 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1224, SD 1, HD 2, CD 1, as contained in Gov. Msg. No. 530, was approved.

At 3:54 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:07 o'clock p.m. with the Speaker presiding.

**END OF CALENDAR**

**Gov. Msg. No. 500 and H.B. No. 952, HD 1, SD 2, CD 1:**

Representative B. Oshiro moved to override the veto of H.B. No. 952, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 500, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. This particular bill has had so much discussion and has been one of the main bills that has had a lot of talk time on, whether it be the radio, or in print. Thank you."

Representative Marumoto rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I would like to submit the Third Reading and Final Reading comments I made on this bill, and I would also like to submit the comments I made on the Senate version of this bill, SB1621, SD2, HD2 for that bill's House Third Reading.

"Thank you."

**Journal Remarks on HB952 HD 1SD2 CD1 for Floor session held on May 5, 2009**

"Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am in opposition. This bill is the 'card check' bill, and a lot of business people are in opposition to it. There are lot of other people who realize that this may damage our economy when it is especially weak at this time. The bill that is passing does not affect that many businesses. I'm not sure how many it would affect. But it probably would affect one or two very large agricultural interests.

"But on the other hand, I feel that once this law is in place, it will spread out and encompass more and more businesses in the State. In fact, in its earlier permutation, the bill would have had a very broad impact. I'd like to cite an op. ed. that was inserted in the *Honolulu Advertiser* by Dean Okimoto, who is the head of the Farm Bureau and a very prominent Waimanalo farmer. On March 29th, he said:

'The bill in the State Legislature would have a broad impact. It would apply to workers covered by Hawaii Employment Relations Act, Chapter 377. In addition to most agricultural workers, it affects nonretail businesses with less than \$50,000 in annual sales. Retail businesses with less than \$500,000 in annual sales. Small non-profit organizations, daycare centers with less than \$250,000 in gross annual revenues, and hotels, motels, apartments and condominiums with less than \$500,000 in annual revenues. It also will impact taxi cab companies with less than \$500,000 in total annual revenues ... Law firms and legal aid programs with less than \$250,000 in gross annual revenue. Some art museums, and colleges, universities, and secondary schools with less than \$1 million in annual revenue.'

"So, this is a scary bill that we're starting. It's a foot in the door, and this process may spread to more and more companies, smaller firms, more than agricultural entities. Please be very careful of what we're doing here. I would urge you to vote 'no' and stop it right now. Thank you."

"Mr. Speaker, before we vote, may I request that on the 'card check' bill, Conference Committee Report 115, that Mr. Okimoto's entire article be inserted into the Journal in its entirety. Thank you," and the Chair, "so ordered."

Representative Marumoto submitted the following editorial:

March 29, 2009  
New economy calls for more flexibility  
Con: Union do's and don'ts

By Dean Okimoto

The Hawaii Farm Bureau Federation recognizes the role unions and union workers have played in Hawai'i and the support they have given to our agriculture industry. At the same time, everyone must recognize that the world economy has changed and agriculture is changing with it. To compete in the global economy, Hawai'i's agriculture industry needs dynamic companies, innovative farmers and flexible workers who can adapt quickly to changes in the market. That's why it's disturbing to see legislation, referred to as "card check," pending in the Hawai'i Legislature and in the U.S. Congress.

The major benefit of a union is to improve the plight of the worker. Hawai'i's low unemployment rate means that employers are competing for a limited workforce. According to the Hawai'i Department of Agriculture, the average wage paid for the period of Jan. 11-17, 2009, was \$12.69 per hour in Hawai'i. This compares to \$11.16 per hour in California and \$10.93 per hour nationally (excluding Alaska).

Our farmers and ranchers often compete against other economic sectors for their workers and pay higher salaries and benefits to not only get but to retain workers. Hawai'i's prepaid medical laws provide benefits to workers that may not be the norm in other areas of the country.

According to The Chamber of Commerce of Hawaii, a recent national survey showed that three out of four voters (74 percent) oppose the "The Employee Free Choice Act"; 74 percent of union households also strongly oppose the measure.

The bill in the state Legislature would have a broad impact. It would apply to workers covered by the Hawai'i Employment Relations Act, Chapter 377. In addition to most agricultural workers, it affects non-retail businesses with less than \$50,000 in annual sales; retail businesses with less than \$500,000 in annual sales; small nonprofit organizations; daycare centers with less than \$250,000 in gross annual revenues; and hotels, motels, apartments and condominiums with less than \$500,000 in annual revenues. It also will impact taxicab companies with less than \$500,000 in total annual revenues; law firms and legal-aid programs with less than \$250,000 in gross annual revenue; some art museums; and colleges, universities, and secondary schools with less than \$1 million in annual revenue.

Agriculture in Hawai'i is already at a competitive disadvantage due to the cost and availability of land and water, transportation costs, and the impact of invasive species. Worker productivity is key to viability.

If passed, this bill will stall our efforts to become more self-sufficient in food production and will lessen opportunities for agricultural workers. Technology is changing rapidly and workers must be able to do different tasks at different times and in different ways without having to check in with a supervisor or union boss. The days of extensive labor-intensive operations are gone - maximum productivity equals mechanization, and automation involving skill sets that require continuous learning.

The only common element at farms large and small across the state today is diversity. Although some of the seed companies in Hawai'i

today approach the size of what were our smaller sugar cane and pineapple operations, these companies and their workers are highly flexible and must remain so to compete.

We must empower Hawai'i's workers by giving them the training they need to help grow the agricultural industry in our state. Unions can have a seat at the table as we discuss the way forward, but the traditional union model can't be part of the deal. I know what we are suggesting is difficult. But all of us in the business world are making difficult decisions. We need to set the stage for the new tomorrow. The future of Hawai'i's agriculture industry is in question and the card check measure will thwart the progress we've made. Legislators should oppose this bill so that agriculture can continue to evolve into a strong, sustainable industry for Hawai'i's future.

*Dean Okimoto is the president of the Hawaii Farm Bureau Federation. He wrote this commentary for The Advertiser. Jim Tollefson, president and CEO of The Chamber of Commerce of Hawaii, contributed to this commentary.*

*The Honolulu Advertiser*

#### Journal Remarks on SB1621 SD2 HD2 for Floor session held on April 14, 2009

"Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. This is a card check bill, and I rise in opposition to this measure. We've heard this before, but it cannot be emphasized enough, this bill is very anti-business and eliminates the secret ballot.

"The secret ballot is a vital part of our democratic institution, and it shows that voters can make their choices free of intimidation or coercion. It's an argument that is not just limited to union elections, this principal extends to all elections, from Presidential to student council elections. The secret ballot represents the true feelings of a voter and must be preserved.

"This is a view that has been affirmed by the courts. The Supreme Court described the secret ballot as, 'the hard won right to vote one's conscience without fear of retaliation.' As it relates to union elections, the courts have consistently affirmed the superiority of the secret ballot.

"In 1969, the Supreme Court affirmed that cards are 'admittedly inferior to the election process.' The Second Circuit Court held that, 'It is beyond dispute that a secret election is a more accurate reflection of the employees' true desire than a check of authorization cards collected at the behest of a union organizer.'

"The Fourth Circuit held, 'It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a 'card check'. Unless it were an employer's request for an open show of hand, the one is no more reliable than the other.' The DC Circuit Court of Appeals stated in 1991, 'Freedom of choice is a matter at the very center of our national labor relations policy, and a secret election is the preferred method of gauging choice.'

"In the last month or so, these arguments have been echoed in the editorials of our local newspapers. The *Star-Bulletin* editorialized that this bill would, 'sidestep secret ballot elections, the trademark of democracy.' *The Advertiser* wrote that when it comes to union certification elections a, 'worker faced with this choice should make it with care, fully informed of the pros and cons, and without undue pressure from either side. In other words, in the same way we elect public officials: in the privacy of a voting booth.'

"A *West Hawaii Today* editorial wrote that, 'Doing away with the secret ballot strips privacy rights of workers, in the same way the card check mechanism strips right of employers to represent fairly their interests.'

"*The Garden Island* stated quite clearly, 'The private ballot election process is the most fair way to determine the collective will of a group of people.'

ROUGH DRAFT

"Mr. Speaker, I am citing these quotes to demonstrate the widespread recognition of the unreliability of a card check system, and the superiority of secret ballot elections. We should defend the freedom to vote privately and vote this measure down. Thank you."

**Journal Remarks on HB952 HD1 for Floor session held on March 10, 2009**

"Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this particular measure. This is a card check bill. Here we are, once again debating the merits of card checks, and no matter what changes we make to it, the problem remains the same. It robs workers of their essential right to a secret ballot. How can we continue to deny the importance of this right, for it is in the privacy of the voting booth where a person is free to express his or her will, without being subjected to intimidation or fear from reprisal. It's the best way for a person to register his or her opinion.

"In doing some research on this issue, I ran across an editorial against card check, by former Senator and former Democrat Presidential nominee, George McGovern. Throughout his career, Senator McGovern has been a passionate defender of unions. Yet, he has found the card check bill fundamentally wrong. In an editorial, he said of card check, 'I am sad to say it runs counter to ideas that were once at the core of the labor movement. Instead of providing a voice for the unheard, it risks silencing those who would speak.'

"It is not just Senator McGovern who finds this bill deeply flawed. The testimony against it represents a clear outcry against the measure. Testifiers from a wide range of industries clearly showed an objection to the very idea of the elimination of the private ballot. This objection goes on to our local media. Today, the *Advertiser* editorialized against card check, stating, 'Reforming the system to protect against abuses may be necessary, but taking away the secret ballot isn't the answer.'

"The nation objects to it as well. A national survey, taken on the federal card check bill found that three out of four voters oppose this. Even union households oppose this bill, with 74% opposing, to just 20% supporting. We should listen to their voices, and vote 'no' on this bill. Mahalo."

"Thank you."

Representative Karamatsu rose in opposition to the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"The following is submitted in opposition to the motion to override the Governor's veto on House Bill 952, House Draft 1, Senate Draft 2, Conference Draft 1, the "card check" bill.

"The purposes of this bill are to: (1) change the union certification process by allowing certification of a union representative through card check authorizations without a secret ballot election; (2) permit a union and individual employees, but not an employer, to collect attorneys' fees and costs in actions before the Hawaii Relations Board (HLRB); and (3) allow a civil penalty if an employer or employee, but not a union, willfully or repeatedly commits a prohibited practice.

"While I support employees' rights to be represented by unions if they so choose, I must vote "no" on the motion to override the Governor's veto because the final form of this bill undermines the intent and purpose of "fairness" and process of collective bargaining between employees and employers on several points: (1) The authorization card process eliminates the current process of certifying union representatives through election by secret ballots, which is a fair democratic process that protects the privacy of the individual to make a decision without possible outside influence such as intimidation and coercion; (2) This bill gives an unfair advantage to employees in addressing prohibited practices claims whereas, current

law is fair to all parties when addressing prohibited practices; (3) This bill gives unions an unfair advantage over both employers and employees because it allows a civil penalty if an employer or employee repeatedly commits a prohibited practice, but not if a union repeatedly commits a prohibited practice; and (4) The unfairness of this bill may place employers in a difficult situation that affects their business operations.

"First, we should continue the current process of certifying union representatives through election by secret ballots. In Hawaii, elections have been the exclusive means by which a union may obtain certification by the HLRB to act as a collective bargaining representative for a group of employees. However, this bill obligates the HLRB to certify a union based on authorization cards without an election. Authorization cards are not good indicators of support and this method of certifying a collective bargaining representative is susceptible to intimidation, coercion, and other factors.

"In contrast, an election by secret ballots similar to the process we elect our public officials is a democratic process that protects the privacy of individuals to make a decision, in this case, a decision on whether one wants or does not want union representation. This process is a better method of ascertaining whether a union truly has majority support.

"Second, this bill gives an unfair advantage to employees in addressing prohibited practices claims by amending section 377-9, Hawaii Revised Statutes, modifying the remedial powers of the HLRB to include authority to award employees any interest on back pay awards, plus costs and attorneys' fees if they prevail in prohibited practices claims with the HLRB.

"There is no downside to an employee, through its union representative, to file unfounded or specious prohibited practices claims against the employer, as the employer must vigorously defend any and all such claims for fear that in the chance that the employee prevails, there will be an additional award of attorneys' fees and costs to the employee's representative, the union.

"Even if the employer prevails against a frivolous employee's prohibited practice claim, the employer cannot be awarded its attorneys' fees and costs. This will have the unintended consequence of driving up the cost of doing business in Hawaii and presumably driving away business interests at a time when we can least afford it.

"In contrast, current law is fair in addressing prohibited practices. Section 89-14, Hawaii Revised Statutes, provides that any controversy concerning prohibited practices may be submitted to the HLRB in the same manner and with same effect as provided in section 377-9, Hawaii Revised Statutes. Section 89-13, Hawaii Revised Statutes, provides that it is unlawful for either employers or unions to engage in prohibited practices either against one another or against individual employees. Complaints alleging prohibited practices may be submitted by a union against an employer on behalf of one or more union members, by an employer against a union, or by an individual employee against his or her union, his or her employer, or both.

"Further, this bill may also have a detrimental impact on the resolution of labor disputes through the grievance procedure and arbitration provided for in the current collective bargaining agreements. These collective bargaining agreements provide that each side will bear its own costs and fees. This bill is an incentive for union attorneys to file HLRB claims rather than grievances. Therefore, it counters the core of the collective bargaining process by replacing negotiations between the parties with mandatory mediation and binding arbitration that will take away the need of the parties to negotiate in good faith and come to a reasonable resolution since the party with the best position for an arbitration will not be inclined to meaningfully participate in negotiations but will instead be motivated to "try the issues" before an arbitration panel.

"Third, this bill amends section 377-9, Hawaii Revised Statutes, by mandating the HLRB impose a civil penalty not to exceed \$10,000 in the event that an employer or any employee is found to have "willfully or repeatedly" committed a prohibited practice. This amendment fails to provide such penalties against a union if the HLRB finds it has committed

prohibited practices against an employer. The bill also fails to provide for the imposition of a civil penalty in the event that a union has been found to have committed prohibited practices against one of its own members. Thus, this bill gives unions an unfair advantage over both employers and employees.

"Finally, we need to have fairness and a "give and take" relationship between the employees and employers, and unions and employers. Of the many things that inspired me to enter politics, fairness is on the top of the list. I learned how Hawaii's labor workers were discriminated against and treated very poorly from the 1880s until the middle of the twentieth century. They had very little rights and were paid low wages. My heroes of the World War II generation worked hard, proved their loyalty to their country, and entered politics to change policies such as the elimination of discriminatory laws. They made sweeping changes beginning from the 1950s that brought more fairness for the people of Hawaii. Over the last six decades, the rights and benefits of employees have increased tremendously. Today, the Big Five companies, Republican oligarchy, and powerful descendants of the missionaries no longer dominate Hawaii's economic landscape, as well as benefit from the work of discriminated native and immigrant laborers.

"Many of us in elected office are descendants of plantation laborers, the 1954 Democratic Revolution, and the World War II generation. As beneficiaries of the sacrifices of the generations before us, we are now both employees and employers. The State is currently made up of many businesses involved with our largest industry, tourism, followed by federal spending, retail, diversified agricultural, technology, science, and film to name a few. It is my goal to do all I can to help Hawaii's businesses prosper and expand globally.

"In order to strengthen Hawaii's economy, the relationship between its employees and employers are very important. I have told the business community and the unions that this relationship is like marriage. Both sides have to be able to "give and take" because they need each other. If the employer's profits increase, employees can receive more benefits. In contrast, if the employer is facing financial difficulties because unions representing employees refuse to capitulate or compromise, the employer reduces the size of its workforce or worse, closes down and the employees lose their jobs.

"I worry about the future economic viability of our businesses. Many "mom and pop" stores have closed because the cost of doing business here far outweighed their profits and I do not want to see this continue. This bill places employers in an unfair position to their employees and the unions, and could further drive businesses to shut down and discourage future businesses from operating in Hawaii.

"For the foregoing reasons, I vote "no" on the motion to override the Governor's veto of House Bill 952, House Draft 1, Senate Draft 2, Conference Draft 1. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of the override of the Governor's veto of House Bill No. 952, House Draft 1, Senate Draft 2, Conference Draft 1 contained in Governor's Message No. 500.

"This bill establishes an alternative method for employees to certify a representative for collective bargaining. This alternative method allows a majority of employees within a unit appropriate for bargaining to sign valid authorizations designating an individual or organization to represent them. If the Hawaii State Labor Relations Board determines that a majority of the employees have signed valid authorizations, and that no other individual or labor organization is currently certified or recognized as the exclusive representative, then the Board would be required to certify the individual or labor organization.

"The Bill also establishes procedures to facilitate the initial collective bargaining of the newly certified representative and the employer.

"Furthermore, the Bill stipulates that the sections establishing the alternative method of certification apply to an "employee" defined in Section 377-1, Hawaii Revised Statutes, who "is employed by an employer with an annual gross revenue of more than \$5,000,000."

"The definition of "employee" in Section 377-1, Hawaii Revised Statutes, is already very narrow. Among other things, the statute provides that "employee":

*"... shall not include . . . any individual subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act, as amended from time to time. . ."*

"The National Labor Relations Act specifically excludes agricultural workers. As such, by definition, agricultural workers would fit this definition, and this bill would apply to them. The same can be said for railway workers.

"The bill further narrows the application of this bill by stipulating that of those employees who fit within the definition of "employee", this bill will apply to an employee who is "employed by an employer with a gross revenue of more than \$5,000,000." According to latest census, there are only eight (8) farms with sales exceeding \$5,000,000 with operations in the State of Hawaii, of which two (2) are already organized by a labor union. One business is on Kauai grows and processes coffee and the other on Hawaii Island grows and processes macadamia nuts.

"Mr. Speaker, it can't be overemphasized that this bill does not do away with the "secret ballot" procedure. Because this bill provides an alternative method for certification applicable to only those employees employed by employers with a gross revenue of more than \$5,000,000, the "secret ballot" procedure will still be required for all other businesses that fit within the parameters of the "employee" definition.

"For these reasons, I respectfully urge my colleagues to support the override of the Governor's veto of House Bill No. 952, House Draft 1, Senate Draft 2, Conference Draft 1. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you Mr. Speaker, I rise in opposition of this veto override in order to defend the secret ballot by opposing this legislation. Make no mistake about it; this bill eliminates the secret ballot. The measure states quite clearly in section I that when a union presents valid authorization cards from more than 50 percent of employees, than "the board shall not direct an election but shall certify the individual or labor organization as the bargaining representative of the employee." That's it. The union is recognized.

"Proponents of this measure say this measure does not eliminate the secret ballot, that it merely gives the employees the choice of whether the certification process will be done through the card check or through a secret ballot election.

"However, Mr. Speaker, this scenario seems mythical at best. Nothing in this legislation gives workers any control over what organizing method a union uses. This is because the cards are not there to choose the method. They are there to choose the union. As previously noted, the bill specifically says that if 50% of the workers sign the cards there is no election; the union certification is instant. There is no chance for the employees to consider having a secret ballot election.

"The only conceivable way an individual worker would be able to choose a secret ballot election is in theory that the bill would allow the employee to request a secret ballot vote once it has been found that number of cards that have been signed is between 31% (the minimum percentage needed for a union certification election), and 50% (the minimum needed for instant certification under card check) of workers.

"This theory defies all practical applications. A person signing a card would not know the exact percentage of employees who have already signed a card. The only ones that know this are the union organizers. In that case, it is not the employees that would have the ability to choose between a secret ballot or a card check, it is the union organizers who would have that choice.

"The goal of the card check provision is to bypass the secret ballot election because card check would be a far easier means to organize. In fact, unions currently do not petition for recognition unless they have authorization cards in excess of 50% of workers. Here are a couple of statements of policy in this regards from some of the nation's top unions:

- International Brotherhood of Teamsters: "The general policy of the Airline Division is to file for a representation election only after receiving 65 percent card return from the eligible voters in a group."
- New England Nurses Association: "Have 70-75% of members sign cards; if unable to reach this goal, review."
- Service Employees International Union (SEIU): "The rule of thumb in the SEIU is that it's unwise to file for an election when fewer than 70% of the workforce has signed interest cards."

"As these guidelines clearly show, the unions do not file for an election when they have cards signed by only 30 to 50% of the workers. Why would they want to do that when they can get instant certification by only getting cards signed by just over 50%? The worker will have no say in this matter. So in the end, we are left with the reality that this bill eliminates the secret ballot.

"I would like to conclude with a statement from Congressman George Miller, a Democrat from California, and lead sponsor of the national card check legislation in the US House of Representatives. He acknowledges the superiority of the secret ballot. In 2001, 15 members of Congress and George Miller signed a letter to Mexican authorities that states: "the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union that they might not otherwise choose."

"I agree with the sentiments of that letter. Let's defend true representation by upholding the veto. Thank you."

Representative M. Lee rose in support of the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of the override.

"With the federal stimulus package underway, we need to focus on the rebuilding of our economy. Unions are one of the best tools for creating an economy that works for everyone.

"There is a disturbing trend in the country that has led to the erosion of health care coverage and pension security—coupled with rising food costs and foreclosure anxiety, a stable workforce is a formidable goal, and working people are bearing the brunt of today's troubled economy.

"Across the country, union membership has decreased, partly due to an election process that vests the majority of power in the employer and often opens the door to intimidation and threat of job loss.

"The Employee Free Choice Act is a way to restore a fair and equitable process for employers and employees, rebuild the labor unions, and in turn rebuild the middle class.

"The majority sign up process is not new. In fact, a number of major companies such as AT&T Wireless and Kaiser Permanente have long recognized that it is a fairer, less disruptive process to determine workers' will. It simply provides workers with another option to express their desire to self-organize.

"The growing inequality we see between employer and employee is a backward trend. It will take more than economic stimulus to address this.

"This bill applies only to companies with annual gross revenues of \$5 million or more. If passed, it will level the playing field by restoring employee's choice to form unions and bargain for fair wages and benefits.

"Only some employees in Hawaii will benefit, however, the message is clear. It is important to provide a device. Mahalo."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 952, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR" as contained in Gov. Msg. No. 500 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 39: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Coffman, Evans, Hanohano, Herkes, Ito, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Saiki, Say, Shimabukuro, Souki, Takumi, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 8: Ching, Finnegan, Har, Karamatsu, Marumoto, Pine, Sagum and Tokioka.

Excused, 4: Berg, Takai, Thielen and Ward.

At 4:12 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 952, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 500, was approved.

#### Gov. Msg. No. 480 and S.B. No. 1058, SD 2, HD 2, CD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 1058, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 480, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 1058, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES" as contained in Gov. Msg. No. 480 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 38: Aquino, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Saiki, Say, Shimabukuro, Souki, Takumi, Tsuji, Wakai, Wooley and Yamashita.

Noes, 9: Awana, Ching, Finnegan, Har, Ito, Manahan, Sagum, Tokioka and Yamane.

Excused, 4: Berg, Takai, Thielen and Ward.

At 4:15 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 1058, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 480, was approved.

#### ORDER OF THE DAY

#### INTRODUCTION OF RESOLUTIONS

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

ROUGH DRAFT

H.R. No. 1, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 1ST LEGISLATIVE DAY," was offered by Representative Say.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 1 was adopted with Representatives Berg, Takai, Thielen and Ward being excused.

H.R. No. 2, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 2009, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES," was offered by Representative Say.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 2 was adopted with Representatives Berg, Takai, Thielen and Ward being excused.

H.R. No. 3, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was offered by Representative Say.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 3 was adopted with Representatives Berg, Takai, Thielen and Ward being excused.

#### ADJOURNMENT

Representative B. Oshiro moved that the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Special Session of 2009, adjourn sine die, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and at 4:19 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the State of Hawaii, Special Session of 2009, adjourned sine die. (Representatives Berg, Takai, Thielen and Ward were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated July 15, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered the following Bills heretofore vetoed as set forth in Governor's Messages dated between July 6, 2009 and July 15, 2009, and approved said bill [sic] by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii is entitled:

H.B. No. 31, SD 1, CD 1  
 H.B. No. 183, HD 1, SD 2, CD 1  
 H.B. No. 343, HD 1, SD 2, CD 1  
 H.B. No. 358, HD 1, SD 1, CD 1  
 H.B. No. 754, HD 1, SD 1, CD 2  
 H.B. No. 952, HD 1, SD 2, CD 1  
 H.B. No. 982, HD 3, SD 1, CD 1  
 H.B. No. 989, HD 1, SD 2, CD 1  
 H.B. No. 1471, HD 2, SD 1, CD 1  
 H.B. No. 1479, HD 2, SD 1, CD 1  
 H.B. No. 1504, HD 1, SD 2, CD 1  
 H.B. No. 1525, HD 1, SD 2, CD 1  
 H.B. No. 1538, HD 1, SD 1  
 H.B. No. 1544, HD 1, SD 1, CD 1  
 H.B. No. 1552, HD 2, SD 2, CD 1  
 H.B. No. 1676, HD 1, SD 2, CD 1  
 S.B. No. 19, SD 1, HD 2, CD 1

S.B. No. 43, SD 2, HD 2, CD 1  
 S.B. No. 50, SD 1, HD 2, CD 1  
 S.B. No. 266, SD 2, HD 2, CD 1  
 S.B. No. 415, SD 2, HD 1, CD 1  
 S.B. No. 420, SD 2, HD 2  
 S.B. No. 423, SD 1, HD 2, CD 1  
 S.B. No. 539, SD 1, HD 1, CD 1  
 S.B. No. 605, SD 1, HD 3, CD 1  
 S.B. No. 695, SD 1, HD 1, CD 1  
 S.B. No. 777, SD 1, HD 1  
 S.B. No. 1005, SD 2, HD 2, CD 1  
 S.B. No. 1058, SD 2, HD 2, CD 1  
 S.B. No. 1183, SD 2, HD 2, CD 1  
 S.B. No. 1206, SD 1, HD 1, CD 1  
 S.B. No. 1218, SD 2, HD 2, CD 1  
 S.B. No. 1224, SD 1, HD 2, CD 1  
 S.B. No. 1665, SD 2, HD 1, CD 1

House Communication dated July 20, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 31, SD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 14, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 31, SD 1, CD 1, designated as Act 1 of the Twenty-fifth Legislature of the State of Hawaii, Special Session 2009, was enclosed.

House Communication dated July 20, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 183, HD 1, SD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 15, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 183, HD 1, SD 2, CD 1, designated as Act 2 of the Twenty-fifth Legislature of the State of Hawaii, Special Session 2009, was enclosed.

House Communication dated July 20, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 343, HD 1, SD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 10, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 343, HD 1, SD 2, CD 1, designated as Act 3 of the Twenty-fifth Legislature of the State of Hawaii, Special Session 2009, was enclosed.

House Communication dated July 20, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 358, HD 1, SD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 10, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 358, HD 1, SD 1, CD 1, designated as Act 4 of the Twenty-fifth Legislature of the State of Hawaii, Special Session 2009, was enclosed.

House Communication dated July 20, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative





of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 1183, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 15, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 1183, SD 2, HD 2, CD 1, designated as Act 30 of the 2009 Special Session of the State of Hawaii, was enclosed.

Senate Communication dated July 20, 2009, transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 1206, SD 1, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 15, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 1206, SD 1, HD 1, CD 1, designated as Act 31 of the 2009 Special Session of the State of Hawaii, was enclosed.

Senate Communication dated July 20, 2009, transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 1218, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 15, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 1218, SD 2, HD 2, CD 1, designated as Act 32 of the 2009 Special Session of the State of Hawaii, was enclosed.

Senate Communication dated July 20, 2009, transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 1224, SD 1, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 15, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 1224, SD 1, HD 2, CD 1, designated as Act 33 of the 2009 Special Session of the State of Hawaii, was enclosed.

Senate Communication dated July 20, 2009, transmitting a copy of the document certifying that on July 15, 2009, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 1665, SD 2, HD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated July 10, 2009, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 1665, SD 2, HD 1, CD 1, designated as Act 34 of the 2009 Special Session of the State of Hawaii, was enclosed.

**GOVERNOR'S MESSAGES and COMMUNICATIONS  
RECEIVED AFTER ADJOURNMENT  
OF THE 2009 SPECIAL SESSION SINE DIE**

The following messages from the Governor (Gov. Msg. Nos. 534 through 556) were received by the Clerk and were placed on file:

Gov. Msg. No. 534, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 300 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 300, entitled "A Bill for an Act Relating to Intoxicating Liquor" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require restaurants, retailers, dispensers, clubs, cabarets, hotels, caterers, brewpubs, and condominium hotels to maintain liquor liability coverage in an amount of \$1,000,000. In addition, this bill prohibits the county liquor commissions from issuing, renewing, or transferring a liquor license unless the applicant can show proof of the mandated insurance coverage.

I understand the intent of this legislation and support efforts to encourage responsible business practices. When tragedy occurs, those who have taken proactive measures to protect themselves should not be burdened disproportionately because others were less responsible.

This bill raises concerns because it has the potential to put some small establishments out of business. There is reason to believe that smaller liquor establishments are either unaware of the requirements of this legislation or unable to afford the mandated coverage. Many of the businesses in this situation are owned and operated by immigrants who are non-native English speakers.

In addition, I am concerned about the immediacy of the bill's July 1, 2009 effective date. This effective date provides no grace period for businesses to learn about the bill, contact an insurance company, negotiate a quote, secure a policy, and generate the necessary funds that would be needed to comply. My office has been working with the Executive Directors of the Liquor Commissions of the four counties to allow for a reasonable period of time for liquor establishments to comply before instituting punitive actions against these businesses.

Finally, it should be noted that insurance mandates do not address the root of the problem. Until people take personal responsibility for their actions and change their behavior, we will continue to see deaths on our roads as a result of drinking and driving. Unfortunately, no amount of money can bring back a loved one lost because of another person's irresponsible behavior. We must all work hard to address this issue in our communities and among our family and friends if we want to affect real change.

For the foregoing reasons, I allowed Senate Bill No. 300 to become law as Act 177, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 535, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 199 SD1 HD1 CD2

On July 15, 2009, Senate Bill No. 199, entitled "A Bill for an Act Relating to Taxation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this law is to amend the High Technology Business Investment Tax Credit by limiting claims to 80 percent of tax liability, allowing only one to one credit allocation ratios, and eliminating carryovers for investments made between May 1, 2009 and December 31, 2010. This law also suspends the Capital Goods Excise Tax Credit for investments, renovation costs, or the purchase of eligible, depreciable tangible properties from December 1, 2008 through December 31, 2009.

This bill retains Hawaii's high technology investment tax credits as one of the most generous credits available from state governments. Investors will still be allowed to claim up to one hundred percent of the amounts invested against their tax liability and will be able to offset up to eighty percent of the actual income taxes owed each year.

However, it should be recognized that this bill changes the terms of the High Technology Investment Tax Credits eighteen months prior to the expiration of these credits. I am concerned that this sends a signal to potential investors and the business community that they cannot depend upon the continuation of a government policy that encouraged them to behave in a certain manner, presuming the same investment rules would stay in place through 2010.

Also, the suspension of the Capital Goods Excise Tax Credit is troubling because this credit assists Hawaii's businesses with capital good investments. This is the time when companies should be encouraged to make such investments as one of our economic recovery tools. Certainly encouraging the purchase of capital goods was recognized by President Obama's Administration when they included bonus depreciation provisions in the American Recovery and Reinvestment Act.

On balance, I believe the fiscal implications of this legislation outweigh the concerns I have noted above. For the foregoing reasons, I allowed Senate Bill No. 199 to become law as Act 178, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 536, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1316 HD2 SD1 CD1

On July 15, 2009, House Bill No. 1316, entitled "A Bill for an Act Relating to Torts" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to provide a limitation on the liability for design professionals engaged in work on highway projects where a design professional is determined to be a joint tortfeasor along with one or more other joint tortfeasors, the degree of negligence is ten percent or less, and the contract value was \$1,000,000 or less.

This bill raises concerns because it gives a negligent design professional more protection from liability than the law affords the developer, the State of Hawaii, the counties, or the construction entities, who rely on the expertise of the design professional when building the highway.

This bill amends by law previous contracts between design professionals and the developers, the State of Hawaii, the counties, or the construction entities. I am concerned that this allows the professional to avoid contractual duties and obligations they fairly and voluntarily entered into.

ROUGH DRAFT

The State recognizes that some design professionals elect not to bid on State highway projects as a result of the liability exposure that might accrue as a result of working on these projects. We believe the more appropriate approach would be to enact meaningful tort reform in Hawaii that would cover most professions and also put reasonable limits on the financial exposure of the State and the counties.

For the foregoing reasons, I allowed House Bill No. 1316 to become law as Act 179, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 537, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 603 SD1 HD1 CD1

On July 15, 2009, Senate Bill No. 603, entitled "A Bill for an Act Relating to Public Utilities" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to direct the Public Utilities Commission of the State of Hawaii to treat local exchange intrastate services as fully competitive.

The intent of this bill is laudable in that it attempts to update Hawaii's regulatory framework for telecommunications providers and create market parity among phone service providers. However, several provisions of this bill raise concerns because the language is vague and extends beyond the intended scope.

This bill directs that "fully competitive" treatment be accorded to local exchange intrastate services, "[n]otwithstanding section 269-16.9 or any other law to the contrary." The provisions in the bill, however, are not limited to local exchange intrastate services and providers of such services. Rather, the provisions extend to any telecommunications carrier, not just a carrier providing local exchange intrastate service.

Under the bill, any telecommunications carrier may modify its rates and services without the approval of the Commission, regardless of whether the carrier has received an exemption pursuant to section 269-16.9, Hawaii Revised Statutes. In addition, the carrier is not required to provide cost support and other information to the Commission for such modifications.

The absence of cost support and other information may impair the ability of the Commission to fulfill the statutory directive in section 269-40, Hawaii Revised Statutes, to ensure that all consumers are provided with "nondiscriminatory, reasonable, and equitable access to high quality telecommunication network facilities and capabilities...at just, reasonable, and nondiscriminatory rates that are based on reasonably identifiable costs of providing the services."

The bill provides that a telecommunications carrier's rates for any retail telecommunications service cannot be higher than the rate for the same service included in the carrier's filed tariff "except upon receiving the approval of the commission."

The significance of the Commission's approval with respect to rate increases for local exchange intrastate service is questionable, given the "fully competitive" treatment directed by the bill. With regard to any other telecommunications service, the Commission's role is in doubt because the bill provides that all rates, fares, charges, and bundled service offerings shall be filed with the Commission for "information purposes only," which raises a question as to whether any applicable tariff can be enforced by the Commission.

Because this language creates an ambiguity over the role of the Commission in enforcing tariffs, my Administration will be proposing amendments to this bill for consideration by the 2010 Legislature that deletes this clause and clarifies the scope and applicability of this measure.

For the foregoing reasons, I allowed Senate Bill No. 603 to become law as Act 180, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 538, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1550 HD2 SD1 CD1

On July 15, 2009, House Bill No. 1550, entitled "A Bill for an Act Relating to Taxation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend Hawaii's income tax law to impose a State income tax on rollovers or transfers made by State and county employees from qualifying deferred compensation plans and qualifying annuity plans to eligible retirement plans.

However, although it was the intent of the legislative conference committee to tax both rollovers and transfers, as stated in the committee report, the actual language of House Bill No. 1550 only imposes a State tax liability on moneys that are rolled over from a qualifying account to the Employees' Retirement System plan. This inadvertent mistake may result in unequal treatment of those State and county employees who choose to purchase Employees' Retirement System hybrid plan credits in a lump sum via a rollover of funds, as defined in the Internal Revenue Code, sections 403 and 457, versus those employees who elect to transfer funds in accordance with the definitions contained in these sections of the Internal Revenue Code.

I encourage the Department of Taxation and the Employees' Retirement System to implement this measure fairly by ensuring equal tax treatment of all public employees using deferred-compensation and annuity plans for their hybrid plan upgrade. In addition, I also encourage the Legislature to fix this technical error in the bill language during the 2010 legislative session.

For the foregoing reasons, I allowed House Bill No. 1550 to become law as Act 181, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 539, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 1673 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 1673, entitled "A Bill for an Act Relating to the Hawaii Health Systems Corporation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this omnibus bill is to make changes to the laws that affect the operations of the Hawaii Health Systems Corporation (HHSC), the regional system boards, and their facilities. The legislation attempts to

ROUGH DRAFT

begin the reforms necessary to strengthen the network of thirteen public hospitals in our state. However, I am concerned that this bill is unclear in several important respects which will make implementation difficult.

One important reform made by this bill is that it would allow individual facilities to transition into various other legal entities, including non-profit, for-profit, or public benefit corporations. The bill states that upon its transition, "all liabilities of the regional system or facility related to collective bargaining contracts negotiated by the State, shall become the responsibility of the State[.]"

This provision is unclear because it does not define which liabilities are being addressed. It could be interpreted that only pending collective bargaining disputes, grievances, or issues become the responsibility of the State once the facility has transitioned into a new legal entity. However, it could also be argued that this provision means that the State must continue to pay the wages for the State workers after the facility has transitioned to a private entity. This lack of clarity could cause significant problems. In addition, this provision could create a sizeable financial burden for the State since there are no limitations contained in the bill. I believe this section must be clarified before any transitions occur.

Second, it appears that the "transition" language in the bill would authorize a HHSC facility to become a private entity. However, the bill as currently written does not specifically state that this new entity would be exempt from chapters 76 and 89, Hawaii Revised Statutes, the civil service laws and collective bargaining laws, respectively.

In 1997 the Hawaii Supreme Court held that the government could not privatize one of its operations without express statutory authority. In 2004, the Hawaii Supreme Court further held that the privatization of another government operation was legal because there was a statute that mandated the privatization. This bill does not mandate privatization of HHSC facilities, but by implication allows for it.

Because there is no direct precedent, it is difficult to predict whether the Hawaii appellate courts would find this to be sufficient language to permit HHSC facilities to become private entities and abolish their civil service positions. This uncertainty could cause lengthy and costly litigation that should be avoided by clearer drafting of the law.

Additionally, we remain concerned that this bill transfers to the Department of Health liabilities and debts that the HHSC hospitals accrued prior to June 30, 1996. It is unclear how this transfer will occur under generally accepted accounting principles, since the receivables are not properly reflected on the books of the corporation.

While certain provisions in this bill make small steps towards reforms needed to improve the viability of our public hospital system, such as allowing criminal background checks, I had hoped for more aggressive and comprehensive efforts to address the fiscal problems of the public hospitals. My Administration has outlined a vision for reform, which was presented to the Legislature by the State's Director of Health, Dr. Chiyo Fukino, that deserves serious consideration.

It will be necessary to amend this law in the next legislative session to resolve the ambiguities in the bill.

For the foregoing reasons, I allowed Senate Bill No. 1673 to become law as Act 182, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 540, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1809 HD2 SD1 CD1

On July 15, 2009, House Bill No. 1809, entitled "A Bill for an Act Relating to Recycling" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to mandate the recycling of televisions sold in the State by expanding the Department of Health's existing electronic device recycling program.

As I have stated in the past, I have strong concerns about establishing new State programs that are not essential to nor improve the efficiency of government. Given that we face a budget shortfall of at least \$2.73 billion over the next several years, I question how the Legislature can justify passing legislation that creates a new program and increases the demand on personnel, while at the same time making funding reductions to State departments.

In addition, I am concerned that the program created by this bill places numerous requirements on manufacturers and retailers that will increase the cost of doing business in our state. Further, the fees and increased reporting requirements mandated by this bill will likely be passed on to consumers through higher retail prices.

While I agree that it is important to encourage proper recycling methods for computers, televisions, and other electronic devices, the private sector already provides a number of options to consumers and these options continue to grow. In the Department of Health's report to the Legislature on Act 13, Special Session Laws of 2008, I note the following reference to a recycling program developed by the Sony Corporation:

"Sony established a national recycling program for consumer electronics. The Sony Take Back Recycling Program allows consumers to recycle all Sony-branded products for no fee at 75 Waste Management Recycle America eCycling drop-off centers throughout the U.S. The program, began on September 15, 2007 (and) was developed in collaboration with WM Recycle America, LLC, a wholly owned subsidiary of Waste Management, Inc. The program also allows consumers to recycle other manufacturers' consumer electronics products at market prices, and may include a recycling fee for some types of materials."

Given that programs such as this already exist in the private sector, there is little advantage to be gained by setting up a State-managed television recycling program.

Despite these strong concerns, I am allowing this bill to become law without my signature. If this bill does not become law, televisions would be subject to the more onerous recycling requirements of Act 13 of the 2008 Special Session. In the coming 2010 Legislative Session, I encourage the Legislature to reconsider its support for both the electronic device and television recycling programs in this bill and in Act 13 and consider repealing them.

For the foregoing reasons, I allowed House Bill No. 1809 to become law as Act 183, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 541, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 470 HD1 CD1

On July 15, 2009, Senate Bill No. 470, entitled "A Bill for an Act Relating to Liquor" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

ROUGH DRAFT

The purpose of this bill is to make various amendments to the State's liquor laws. Included in these amendments are provisions that: 1) allow the Department of Taxation to provide tax clearances to liquor establishments for license renewals as long as these establishments enter into a payment plan for taxes owed, 2) allow the county liquor commissions to extend the deadline for making liquor license application decisions from a maximum of 30 days up to 120 days, and 3) allow the county liquor commissions to use up to ten percent of fines collected to fund public liquor-related educational and enforcement programs.

While this measure is well-intentioned, I have concerns regarding two provisions in this bill. Although I understand the economic difficulties that liquor establishments are facing as a result of the current downturn, I am concerned that this bill does not provide a means for immediately revoking a liquor license if an establishment fails to make payments to the Department of Taxation while already on an installment plan for taxes owed. Currently, contractors are able to obtain temporary tax clearances and renew their licenses as long as they enter into a payment plan with the Department of Taxation. However, their license can be promptly revoked if the contractor fails to make payments. For liquor establishments, the only way for the Department of Taxation to proceed with a liquor license revocation is to apply to the county liquor commissions for a hearing, which allows a liquor establishment to operate without paying taxes until the commission makes the decision to revoke the license.

Additionally, I am concerned that extending the deadline for making liquor license application decisions will result in longer wait times for small businesses attempting to set up an establishment that requires a liquor license. Since liquor establishments must locate and lease space prior to applying for a liquor license, it would be difficult for these businesses to continue paying rent for their establishment up to 120 days after the hearings process when they cannot start operations until a license is approved. While I understand that the original intent is to allow the county liquor commissions more time to evaluate establishments with complicated liquor license applications, rather than automatically denying those establishments a license, timetables should be limited to ensure licenses are granted expeditiously.

Since the intent of this measure is to help businesses struggling during these economic times, I hope the county liquor commissions will work with all stakeholders to administer this bill fairly and equitably so that the above concerns can be addressed.

For the foregoing reasons, I allowed Senate Bill No. 470 to become law as Act 184, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 542, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 591 HD1 SD2

On July 15, 2009, House Bill No. 591, entitled "A Bill for an Act Relating to Public Utilities" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the Public Utilities Commission to establish preferential rates for renewable energy produced in conjunction with agricultural activities.

This measure is intended to provide an incentive to both agricultural and renewable energy producers by providing better rates to agricultural energy producers selling electricity to utilities. While the Lingle-Aiona Administration supports local agricultural production and the goal to increase renewable energy, this bill could result in shifting of the costs of electricity onto consumers to compensate for the preferential rates given to

agricultural operations. I am concerned that this cost shifting could adversely impact the bulk of electricity users in the State.

The phrase "renewable energy produced in conjunction with agricultural activities" also lacks clarity as to what constitutes a sufficient relationship between energy production and agricultural activities. It would be unfortunate if non-agricultural producers are able to take advantage of the vague wording in this measure to establish preferential rates intended to support agricultural operations.

For the foregoing reasons, I allowed House Bill No. 591 to become law as Act 185, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 543, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1379 HD2 SD2 CD1

On July 15, 2009, House Bill No. 1379, entitled "A Bill for an Act Relating to Physician Orders for Life Sustaining Treatment" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to create a means for individuals or their surrogates to provide evidence of their wishes regarding life sustaining treatment to health care providers through a standardized form.

I support measures that help individuals and their families make personal decisions about end of life care. The Physician Orders for Life Sustaining Treatment form created by this bill would give individuals an opportunity to be very specific about the course of medical attention they desire should they become gravely ill or incapacitated. In addition, this form has the potential to provide clear guidance to emergency care workers regarding what types of life sustaining treatment they should provide to a critically ill patient.

Whenever possible, decisions regarding end of life care should be made by individuals before they become ill or incapacitated. Making such decisions through an advance healthcare directive, living will, or another legal form provides friends and family members with clear guidance about the level of care one desires and can help alleviate some of the pain when a loved one is suffering.

While I can understand and support the intent of this legislation, I am concerned about provisions in the bill that allow a surrogate to make decisions on behalf of an incapacitated patient without the patient's knowledge or authorization. Specifically, the bill states that the Physician Orders for Life Sustaining Treatment form may be executed by a physician and a surrogate if the patient is incapacitated. I am concerned that this provision could lead to an abuse by a surrogate. In addition, it is unclear why the authors of the bill feel that a surrogate should be afforded the power to make life sustaining treatment decisions without authorization or appointment by the patient.

We must be cautious when legislating in areas that deal with such complex ethical questions. While it makes sense to give individuals the opportunity to make decisions about life sustaining treatments, it is questionable why government should give that same authority to surrogates who may not represent the patient's wishes.

For the foregoing reasons, I allowed House Bill No. 1379 to become law as Act 186, effective July 15, 2009, without my signature.

Sincerely,  
/s/

ROUGH DRAFT

LINDA LINGLE"

Gov. Msg. No. 544, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 994 HD1 SD2 CD1

On July 15, 2009, House Bill No. 994, entitled "A Bill for an Act Relating to Tourism" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate \$500,000 for the application of a spaceport license from the Federal Aviation Administration. An appropriation of \$250,000 will come from the Department of Transportation's Airport Revenue Fund and a similar amount from the Hawaii Tourism Authority's Tourism Special Fund.

Over the past year, Hawaii's tourism industry has faced devastating losses due to a downturn in the global economy. While we work to rebuild this critical industry, we must also diversify and strengthen tourism opportunities for the future. Space tourism has the potential to provide business opportunities and jobs for our state as new applications dependent on commercial space transportation emerge.

A number of companies are at work to develop reusable launch vehicles that could be used to carry people to space and potentially enable the development of a commercial space tourism industry. Some of these companies have expressed interest in launching this type of vehicle from Honolulu and/or Kona International Airports. In order to start the process to become a launch site, Hawaii must obtain a commercial space transportation license from the Federal Aviation Administration.

This bill would start the application process for a commercial space transportation license from the Federal Aviation Administration. Specifically, the funding provided would support the work needed to conduct the environmental and safety studies required for licensure.

In light of the State's economic situation, I have serious concerns about the appropriations made in this bill. First, monies from the Tourism Special Fund should be targeted towards marketing programs which will translate into immediate returns for the tourism industry. Given that a spaceport will take a number of years to come to fruition, may never happen, and may not be self-sustaining if built, it is difficult to justify spending any amount of public money on a spaceport license.

Second, monies from the Airport Revenue Fund must be approved for use by the Federal Aviation Administration. It is clear that more discussion will be required with the Federal Aviation Administration to ensure the funds appropriated by this measure can be used for the intended purpose. In addition, I am concerned that tapping into the Airport Revenue Fund could be interpreted as a deviation from our focus to use these moneys for the much needed Airports Modernization Initiative.

For the foregoing reasons, I allowed House Bill No. 994 to become law as Act 187, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 545, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1776 HD1 SD1 CD1

On July 15, 2009, House Bill No. 1776, entitled "A Bill for an Act Relating to Public Assistance" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this measure is to prevent inmates from receiving public assistance by: (1) requiring the Department of Public Safety to provide a complete list of all inmates in its custody to the Department of Human Services no later than December 31, 2009, and beginning January 31, 2010, to provide the Department of Human Services with monthly reports listing newly admitted inmates; and (2) requiring the Department of Human Services to identify the status of each inmate on the monthly list with respect to the inmate's current receipt of public assistance. State law presently prohibits inmates from receiving public assistance.

Although I support the policy of screening inmates for public assistance, this task might have been more easily accomplished through a Memorandum of Agreement or Memorandum of Understanding between the Department of Public Safety and the Department of Human Services. Legislation was unnecessary and interferes with the flexibility of each department to manage its internal affairs and adjust to changing circumstances.

For the foregoing reasons, I allowed House Bill No. 1776 to become law as Act 188, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 546, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 764 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 764, entitled "A Bill for an Act Relating to Real Property" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to change the process for renegotiating the amount of rent during the term of an existing commercial or industrial lease, unless expressly stated otherwise in the lease. The bill requires the term "fair and reasonable" annual rent of any lease of commercial or industrial leasehold property to be construed as fair and reasonable to both the lessor and the lessee to the lease, and to consider other relevant circumstances relating to the lease, such as surface characteristics of the property. If the lessee is a master lessee, these requirements shall apply if the master lessee agrees to act comparably when determining the renegotiated sublease rental amount charged to a sublessee.

This measure appears to be targeted at a single landowner for the benefit of its lessees. The ability to freely negotiate contracts without government intrusion is essential to a fair and open marketplace and a principle that I support.

However, this bill addresses a case where the free market between lessor and lessee is not functioning. We have seen a concentration of land ownership of urban commercial and industrial properties become centered in a few large firms that distort market forces and leave businesses in Hawaii with little recourse.

It is unfortunate that the actions of a single land owner have created the situation where the legislature has intervened between the parties, albeit only for a single year.

This bill impacts the renegotiations of lease rent by interjecting, unless otherwise stated in the lease, its construction of "fair and reasonable annual rent" in commercial or industrial leases. In addition, this bill requires master lessees to limit any sublease rental amount negotiated or renewed during the period the lease rent is renegotiated with the master lessee to the

ROUGH DRAFT

lesser of a) the "fair and reasonable" amount determined according to the aforementioned requirements or b) the rental amount as calculated under the renegotiation or renewal provisions of the sublease.

For the foregoing reasons, I allowed Senate Bill No. 764 to become law as Act 189, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 547, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 111 SD2 CD1

On July 15, 2009, House Bill No. 111, entitled "A Bill for an Act Relating to State Salaries" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a two-year statute of limitations for governmental bodies to recover salary or wage overpayments to their employees.

We are concerned that the two-year limitation does not allow the State and counties sufficient opportunity to recover salary overpayments. It often takes time to review an employee's daily work records to determine whether the employee has been overpaid. Most salary overpayments are discovered when the employee is about to retire and the employee's pension is calculated.

Salary overpayments are made by mistake, and while some employees, upon becoming aware of overpayments, promptly report the overpayments, not all do so. Employees are not entitled to keep overpayments and should not benefit from an inadvertent error. An overpayment to an employee deprives another employee or program of the use of those funds.

The existing statutes protect an employee from an arbitrary employer action. There is a process that the State and counties must follow to recover the overpayment, and the employee is free to contest the government's assertion that there has been an overpayment. Current law provides that the employee may request a hearing and, if the employee so chooses, may appeal an adverse determination.

While it is understandable that some would contend that the State should not have an unlimited period to recoup its mistakes, limiting this period to only two years will hamper the State and counties and result in the unjust enrichment of some.

For the foregoing reasons, I allowed House Bill No. 111 to become law as Act 190, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 548, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1362 HD1 SD2

On July 15, 2009, House Bill No. 1362, entitled "A Bill for an Act Relating to Genetic Counselors" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a genetic counseling licensure program within the Department of Health.

In 2006 an analysis by the State Auditor concluded that establishing a licensing program for this profession is largely about title protection. It gives licensed individuals the ability to use the title but does not prohibit the practice by unlicensed practitioners. This bill prohibits unlicensed individuals from using the title "genetic counselor" or "licensed genetic counselor," but it would not prohibit them from offering services. It should also be noted that licensing would not impact the commercial marketing of DNA testing and counseling, especially at-home genetic self-testing, which is a growing industry.

While the bill calls for fees to be assessed to defray the cost of the license requirement, the cost of initial implementation is not funded and will have to be covered by the Department of Health when the program is implemented in 2011.

Genetic counselors provide valuable services to individuals and families with health issues who need to understand their family's health history.

In the interim, until this bill becomes law, should individuals in need of services seek knowledge about a genetic counselor's qualifications, they can consult the American Board of Genetic Counseling, which serves as the credentialing organization for the genetic counseling profession in the United States and Canada.

For the foregoing reasons, I allowed House Bill No. 1362 to become law as Act 191, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 549, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 1338 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 1338, entitled "A Bill for an Act Relating to Household Energy Demand" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to prohibit real estate contracts, agreements, and rules from precluding the use of a clothesline on single-family dwellings or townhouses and to allow private entities to adopt rules that reasonably restrict the placement and use of clotheslines.

Hawaii residents should consider using clotheslines as an alternative to electric dryers. This is a simple and easy way to lower individual energy costs, help the environment, and move us closer to meeting our goals of 70 percent clean energy by 2030. However, the proper way to promote this practice is through public education campaigns, not government laws.

This bill addresses an issue that can and should be addressed at the local, community level. Homeowners who choose to buy a home or townhouse in a neighborhood governed by a community association do so for a reason - they want to live in a community that provides and protects a certain aesthetic. These homeowners often pay more for this option, and, upon purchase, agree to abide by specific covenants and rules that regulate certain activities, such as the number of cars that can be parked on the street, the color of the paint on their house, and the use or placement of a clothesline.

This bill recognizes that homeowners associations should be allowed to adopt rules for the placement of clotheslines in their communities. As such, this measure is less onerous than the legislation I vetoed last year.

For the foregoing reasons, I allowed Senate Bill No. 1338 to become law as Act 192, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 550, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1422 HD1 SD1 CD1

On July 15, 2009, House Bill No. 1422, entitled "A Bill for an Act Relating to Abandoned Vehicles" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the counties to remove abandoned motor vehicles from private roads if the private road owner pays for the removal of the vehicle and agrees to indemnify and hold the county harmless for claims arising from the removal and disposal of the vehicle. This Act shall be repealed on January 1, 2010.

It can be both dangerous and frustrating to have abandoned vehicles parked on or near one's property. Many property owners and neighborhoods struggle with this issue and I can understand their concern. However, it appears that property owners already have authority under current law, Section 290-11, Hawaii Revised Statutes, to remove abandoned vehicles in certain circumstances. Based on the testimony provided on this bill, it appears there is some uncertainty as to how this provision applies and, as a result, the Legislature felt it necessary to clarify the statute through passage of this bill.

In addition, I note that this bill will only be in effect for six months. Legislation should be used for critical policy matters, not for settling short term disputes. I am concerned that changing a State statute for such a short time period calls into question whether this represents sound public policy for the State.

For the foregoing reasons, I allowed House Bill No. 1422 to become law as Act 193, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 551, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 1329 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 1329, entitled "A Bill for an Act Relating to Early Learning" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend the structure and duties of the Early Learning Council and the early learning system by: (1) authorizing members of the Early Learning Council to assign a designee to represent them on the Council; (2) adding a representative from a Head Start provider agency to serve as a member of the Council; (3) directing the Council to develop a plan to address the operations of the junior kindergarten program, (4) prohibiting the Department of Education from moving a child between junior kindergarten and kindergarten unless they use an assessment tool to determine the placement, and (5) renaming the Keiki First Steps Trust Fund as the Early Learning Trust Fund.

This bill presents policy concerns that will adversely impact the delivery of education to the children in our State. First, the legislation further blurs the relationship and responsibilities of the Department of Education over the junior kindergarten program. The bill is prescriptive in what the Department of Education can and can not do in operating its junior kindergarten and kindergarten programs. For example, it expressly prohibits the Department of Education from moving a student between junior kindergarten and kindergarten, except after a detailed assessment is conducted using an evaluation system to be developed by the Early Learning Council.

The bill also continues the presumption that the State should continue to develop an early childhood learning program that operates outside of the purview of the Department of Human Services. The powers vested in the Early Learning Council could adversely impact the ability of the Department of Human Services to license, fund, regulate, and terminate early childhood education programs as provided for in Chapter 346, Hawaii Revised Statutes.

Last year I warned of the indeterminate costs to fully implement an early learning system. Since Act 14 became law, the State's fiscal outlook has worsened and it is difficult to foresee how the State could support a program with a projected implementation cost ranging from \$144 million to \$170 million.

The Department of Education has raised concerns about its ability to administratively support the continued operation of the Council. The Department of Education's 2009 report to the Legislature on the Early Learning Council states, "The progress report from the Early Learning Council indicates that the Council must explore options for its continued work, beyond June 30, 2009, as the funding has been eliminated from the Department of Education budget. Without future funding, it will be challenging to secure the staff to ensure the smooth operations of the Council."

Additionally, this bill fails to recognize the substantial progress my Administration has made in early learning. The Department of Human Services has worked closely with the preschool community of providers to adopt preschool content standards, improve teacher qualifications, and add slots for low-income children who could not previously attend preschool.

I will continue to support expanded early learning opportunities for children through the Quality Care Program administered by the Department of Human Services. I am particularly proud of the fact that this program has enabled over 2,000 additional disadvantaged children to attend preschool. This legislation, regrettably, does not build upon that progress.

For the foregoing reasons, I allowed Senate Bill No. 1329 to become law as Act 194, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 552, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 203 SD2 HD1 CD1

On July 15, 2009, Senate Bill No. 203, entitled "A Bill for an Act Relating to Contractors" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to increase the monetary penalties for unlicensed contracting from (1) \$500 to \$2,500 for the first offense, or 40% of the contract cost, and (2) from \$1,000 to \$3,500, or 40% of the contract cost, for the second offense.

Although this bill has the goal of deterring unlicensed contracting in the State of Hawaii, I am concerned that this legislation dramatically increases monetary fines without a corresponding increase in the threshold under the contractor licensing law's "handyman" exemption. This exemption provides that the licensing law does not apply to any project or operation for which the aggregate contract price for labor, materials, taxes, and all other items is not more than \$1,000.

The \$1,000 threshold has not been increased since 1992. The handyman exemption allows property owners to seek help with minor repairs and renovations. The dollar value of the threshold should be adjusted to reflect cost changes that have occurred over the past 17 years.

Although the Department of Commerce and Consumer Affairs has indicated that it plans to use reasonable discretion in imposing penalties under this bill, unlicensed workers may nevertheless face substantial fines when the work they are doing might more appropriately fall under the handyman exemption.

For the foregoing reasons, I allowed Senate Bill No. 203 to become law as Act 195, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 553, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No: 1461 SD2 HD1 CD2

On July 15, 2009, Senate Bill No. 1461, entitled "A Bill for an Act Relating to Taxation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this law is to advance the general excise tax filing and payment deadline from the last day of the month to the twentieth of the month. This bill also allows the Department of Taxation to require electronic filing and payment of taxes if the taxpayer is already doing the same for federal taxes. Finally, this bill extends the sunset of Act 239, SLH 2007, the general excise tax exemption for common expense reimbursements received by timeshare sub-operators and condominium association managers and sub-managers, by instituting an aggregate cap on exempted amounts for one year.

This bill contains a number of technical and administrative flaws that adversely impact the fair and impartial administration of tax laws in the State of Hawaii.

First, while I supported the concept of advancing the general excise tax filing and payment date from the last day of the month to the twentieth of the month, it is of concern to me that the Department of Taxation and business community are expected to implement this measure for payments due after May 31, 2009. This timeframe is too short and unrealistic for the Department of Taxation to adequately implement this change, as it does not allow taxpayers throughout the State adequate time to prepare for and implement the new payment schedules.

Second, the bill also contains unrealistic deadlines for taxpayers to comply with the requirements to remit their tax payments electronically to the State Department of Taxation. Unrealistic and overzealous timetables create confusion among the taxpaying public and result in additional, unnecessary work for public employees who are helping them to comply.

Third, in attempting to control the general fund revenue impact of the extension, the Legislature put a cap of \$400,000 in aggregate tax exemptions on all eligible timeshare owners and condo managers. The cap, if it is to be applied, should have been a cap on the tax credit, not the tax

exemption, since the exemption reduces the gross proceeds on which the GET tax is calculated, effectively lowering how much is due the State.

It is also unfortunate and unfair that the general excise tax exemption will be unequally applied to condominium associations governed by Chapter 514A, Hawaii Revised Statutes. Condominium associations created after July 1, 2006 are governed by Chapter 514B and already had the excise tax exemption for reimbursements prior to Act 239. Therefore, the \$400,000 exemption cap will be applied to condominium associations created before July 1, 2006, but not those created thereafter. As a result, I am concerned with the unequal treatment of condominium associations created by this provision.

For the foregoing reasons, I allowed Senate Bill No. 1461 to become law as Act 196, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 554, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 522 SD2 HD1

On July 15, 2009, Senate Bill No. 522, entitled "A Bill for an Act Relating to Land Court" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill would require the registrar's office within the Bureau of Conveyances to provide within ten days after the end of each week an image and index of all instruments and documents recorded in Land Court during the week to a county designated as a central clearinghouse. Further, the registrar is prohibited from charging for the information and the bill prescribes the seven specific pieces of information the Bureau of Conveyances Land Court section must provide and the manner in which the information must be delivered.

Currently the Bureau of Conveyances already provides to several entities on a daily basis in electronic format data on all of the transactions that have occurred in the registrar's office and Land Court for the previous day. At least one county, the City and County of Honolulu, has the ability to extract from this data the information needed by all counties for real property assessment purposes. However, the City and County of Honolulu instead relies on a third party to provide their real property assessment information. This bill would unnecessarily shift this burden to the Bureau of Conveyances Land Court staff and require that they provide this data within a statutorily set deadline, regardless of the impact on their other duties.

Further, this bill prescribes the exact data that must be provided, making it difficult, without changing the law, to revamp the format or type of information the counties may require. Additionally, this bill restricts the State from charging the county for the work involved in providing the information every week. While the State does not currently charge for the electronic data they provide to third parties on a daily basis, we should not be precluded from considering charges at a future time when it may be warranted.

The State remains receptive to entering into written agreements with the counties to ensure that the counties receive the data they need in a manner that best fits their individual requirements.

For the foregoing reasons, I allowed Senate Bill No. 522 to become law as Act 197, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

ROUGH DRAFT

Gov. Msg. No. 555, dated July 16, 2009, informing the House that on July 15, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 371 HD2 SD2 CD1

On July 15, 2009, House Bill No. 371, entitled "A Bill for an Act Relating to Taxation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to extend the exemption of naphtha fuel used in electrical generation from the transportation fuel tax. This measure retains the exemption until December 31, 2012. I support this exemption but believe the sunset date should have been removed in its entirety.

Naphtha, a bi-product of the manufacture of gasoline, is recognized as a low-carbon emission fuel, preferable to other fossil fuel sources. This legislation recognizes the importance of naphtha as a fuel source used in the State today.

However, this legislation also doubles the tax imposed on naphtha fuel used to generate electricity on Kauai and along the Hamakua coast. This increase, which totals an estimated \$440,000 per year for both facilities, will be passed along to rate payers in each jurisdiction.

The increase from 1 cent to 2 cents per gallon, even though some will consider it small, is a 100% increase or a doubling of the tax on this fuel. What is particularly troubling is the increase comes at a time when our families and residents are most vulnerable to additional costs, even small costs, as they struggle with lay-offs, business closures, downsizing, and increasing State and county taxes.

The amount of additional tax is not enough to significantly assist the highway program and does not contribute to closing the State general fund budget gap. Thus, it has no measurable fiscal benefit to the State, while adversely impacting those communities that receive electricity from naphtha-burning power plants. However, if this law did not go into effect, then the much larger highway fuel tax would apply to naphtha starting January 1, 2010.

For the foregoing reasons, I allowed House Bill No. 371 to become law as Act 198, effective July 15, 2009, without my signature.

Sincerely,  
/s/  
LINDA LINGLE"

Gov. Msg. No. 556, dated July 17, 2009, transmitting the Hawaii Health Systems Corporation Annual Financial Audit and Report to the Legislature pursuant to Chapter 323F-22, HRS.

#### SENATE COMMUNICATIONS

The following Senate Communications (Sen. Com. Nos. 797 and 798) were received by the Clerk and were placed on file:

Sen. Com. No. 797, dated July 15, 2009, informing the House that the Senate has this day overridden the Governor's veto by a two-thirds vote of all members to which the Senate is entitled to the following bills:

S.B. No. 19, SD 1, HD 2, CD 1  
S.B. No. 43, SD 2, HD 2, CD 1  
S.B. No. 50, SD 1, HD 2, CD 1  
S.B. No. 266, SD 2, HD 2, CD 1  
S.B. No. 387, SD 1, HD 1, CD 2  
S.B. No. 415, SD 2, HD 1, CD 1  
S.B. No. 420, SD 2, HD 2

S.B. No. 423, SD 1, HD 2, CD 1  
S.B. No. 539, SD 1, HD 1, CD 1  
S.B. No. 605, SD 1, HD 3, CD 1  
S.B. No. 695, SD 1, HD 1, CD 1  
S.B. No. 777, SD 1, HD 1  
S.B. No. 1005, SD 2, HD 2, CD 1  
S.B. No. 1058, SD 2, HD 2, CD 1  
S.B. No. 1183, SD 2, HD 2, CD 1  
S.B. No. 1206, SD 1, HD 1, CD 1  
S.B. No. 1218, SD 2, HD 2, CD 1  
S.B. No. 1224, SD 1, HD 2, CD 1  
S.B. No. 1665, SD 2, HD 1, CD 1  
S.B. No. 1678, SD 3, HD 1, CD 1  
H.B. No. 31, SD 1, CD 1  
H.B. No. 128, HD 1, SD 1, CD 2  
H.B. No. 183, HD 1, SD 2, CD 1  
H.B. No. 343, HD 1, SD 2, CD 1  
H.B. No. 358, HD 1, SD 1, CD 1  
H.B. No. 754, HD 1, SD 1, CD 2  
H.B. No. 952, HD 1, SD 2, CD 1  
H.B. No. 982, HD 3, SD 1, CD 1  
H.B. No. 989, HD 1, SD 2, CD 1  
H.B. No. 1471, HD 2, SD 1, CD 1  
H.B. No. 1479, HD 2, SD 1, CD 1  
H.B. No. 1504, HD 1, SD 2, CD 1  
H.B. No. 1525, HD 1, SD 2, CD 1  
H.B. No. 1538, HD 1, SD 1  
H.B. No. 1544, HD 1, SD 1, CD 1  
H.B. No. 1552, HD 2, SD 2, CD 1  
H.B. No. 1676, HD 1, SD 2, CD 1

Sen. Com. No. 798, transmitting S.R. No. 2, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate on July 15, 2009.

#### DEPARTMENTAL COMMUNICATIONS

The following Departmental Communications (Dept. Com. Nos. 68 and 69) were received by the Clerk and were placed on file:

Dept. Com. No. 68, dated June 5, 2009, from Marion Higa, State Auditor, transmitting the report, Management Audit of Information Technology Within the Office of Hawaiian Affairs.

Dept. Com. No. 69, dated July 23, 2009, from Marion Higa, State Auditor, transmitting the report, Study of the Social and Financial Impacts of Mandatory Health Insurance Coverage for the Diagnosis and Treatment of Autism Spectrum Disorders.

#### MISCELLANEOUS COMMUNICATIONS

The following Miscellaneous Communications (Misc. Com. Nos. 5 through 10) were received by the Clerk and were placed on file:

Misc. Com. No. 5, dated May 26, 2009, from Daryl A. Ishizaki, District Manager, Honolulu District, United States Postal Service, acknowledging receipt of the petition proposing a stamp for Prince Jonah Kuhio Kalaniana'ole for consideration [HR 61].

Misc. Com. No. 6, dated June 9, 2009, from William J. Weagley, Manager, Government Relations Response, United States Postal Services, declining requests for commemorative stamps for Prince Jonah Kuhio Kalaniana'ole and Japanese-American veterans.

Misc. Com. No. 7, dated June 12, 2009, from J Yoshimoto, Chair, Hawai'i County Council, acknowledging receipt of House Concurrent Resolution No. 266, SD 1, and House Resolution Nos. 45; 11, HD 1; and 149, HD 1.

Misc. Com. No. 8, dated June 17, 2009, from Daryl A. Ishizaki, District Manager, Honolulu District, United States Postal Services, informing the House that the Citizens' Stamp Advisory Committee (CSAC) has decided not to recommend issuance of a stamp to honor Prince Jonah Kuhio Kalaniana'ole.

Misc. Com. No. 9, dated June 24, 2009, from Geoffrey E. Girado, Director for Instruction, and Eugenio S. Guhao Jr., SVP for Academic Planning and Services, University of Mindanao, acknowledging receipt of House Resolution No. 277, HD 1.

Misc. Com. No. 10, dated July 1, 2009, from Thomas R. Frieden, Director, CDC, and Administrator, Agency for Toxic Substances and Disease Registry, United States Department of Health and Human Services, acknowledging receipt of House Concurrent Resolution No. 214 addressing chronic obstructive pulmonary disease (COPD).

Misc. Com. No. 11, dated July 15, 2009, from Marc Hartstein, Deputy Director, Hospital and Ambulatory Policy Group, Center for Medicare Management, Centers for Medicare & Medicaid Services, Department of Health and Human Services, acknowledging receipt of House Concurrent Resolution No. 55.