

Senate Bill No. 539, SD 1, HD 1, CD 1, entitled:
"PROPOSING AN AMENDMENT TO ARTICLE X,
SECTION 6, OF THE HAWAII CONSTITUTION, TO
PROVIDE THE UNIVERSITY OF HAWAII WITH
AUTONOMY IN ALL MATTERS RELATED TO THE
UNIVERSITY".

Gov. Msg. No. 207, transmitting Senate Bill No. 2869 without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 18, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2869

Honorable Members
Twentieth 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. 2869, entitled 'A Bill for an Act Relating to Safe Drinking Water.'

The purpose of this bill is to amend section 340E-8, Hawaii Revised Statutes, to assure that administrative, civil, and criminal monetary penalties in state law are consistent with requirements for federally approved state drinking water programs. Specifically, the bill clarifies that multiple violations on one day may each be penalized up to a set amount.

This bill is objectionable because it duplicates Act 84, Session Laws of Hawaii 2000, which I signed on April 27, 2000.

For the foregoing reason, I am transmitting Senate Bill No. 2869 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, Senate Bill No. 2869, entitled 'A Bill for an Act Relating to Safe Drinking Water,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2869 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2869 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of May, 2000.

/s/ Benjamin J. Cayetano
BENJAMIN J. CAYETANO

Governor of Hawaii"

Gov. Msg. No. 208, informing the House that on May 19, 2000, he signed the following bill into law:

House Bill No. 1925, SD 1, CD 1, as Act 99, entitled: "RELATING TO ELECTIONS".

Gov. Msg. No. 209, informing the House that on May 21, 2000, he signed the following bills into law:

House Bill No. 1457, SD 1, as Act 100, entitled: "RELATING TO THE TRAFFIC CODE"; and

House Bill No. 2513, HD 1, SD 1, as Act 101, entitled: "RELATING TO UNCLAIMED CORPSES".

Gov. Msg. No. 210, informing the House that on May 22, 2000, he signed the following bills into law:

House Bill No. 2514, SD 2, CD 1, as Act 102, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 2555, HD 1, as Act 103, entitled: "RELATING TO WORKERS' COMPENSATION"; and

House Bill No. 2559, HD 1, SD 2, as Act 104, entitled: "RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL".

Gov. Msg. No. 211, informing the House that on May 22, 2000, he signed the following bills into law:

House Bill No. 1939, HD 1, SD 1, as Act 105, entitled: "RELATING TO KAHOO LAWE ISLAND RESERVE COMMISSION";

House Bill No. 2490, HD 1, SD 1, CD 1, as Act 106, entitled: "RELATING TO THE HAWAII TEACHER STANDARDS BOARD";

House Bill No. 2501, HD 2, SD 1, as Act 107, entitled: "RELATING TO THE HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2506, HD 1, SD 2, CD 1, as Act 108, entitled: "RELATING TO PROSPECTIVE ADOPTIVE PARENTS";

House Bill No. 2521, SD 1, CD 1, as Act 109, entitled: "RELATING TO SCHOOL HEALTH REQUIREMENTS";

House Bill No. 2572, HD 1, SD 2, CD 1, as Act 110, entitled: "RELATING TO KANEOHE BAY";

House Bill No. 2643, HD 1, SD 2, as Act 111, entitled: "RELATING TO ABANDONED MOTOR VEHICLES";

House Bill No. 2650, HD 1, SD 2, CD 1, as Act 112, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2653, HD 2, SD 1, CD 1, as Act 113, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 2427, SD 1, HD 1, CD 1, as Act 114, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS";

Senate Bill No. 2533, SD 1, HD 2, CD 1, as Act 115, entitled: "RELATING TO CRIME VICTIM COMPENSATION";

Senate Bill No. 2535, HD 1, as Act 116, entitled: "RELATING TO PROBATE";

Senate Bill No. 2621, SD 1, HD 2, as Act 117, entitled: "RELATING TO HEALTH";

Senate Bill No. 2779, SD 1, HD 2, CD 1, as Act 118, entitled: "RELATING TO STATE ENTERPRISE ZONES"; and

Senate Bill No. 2843, HD 2, CD 1, as Act 119, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED".

Gov. Msg. No. 212, transmitting Senate Bill No. 2409 without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 22, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2409

Honorable Members
Twentieth 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. 2409, entitled 'A Bill for an Act Relating to Taxation.'

The purposes of Senate Bill No. 2409 are to provide an exemption from general excise and public service company taxes for call centers and to provide a qualified improvement tax credit.

The objections to this bill center on the qualified improvement tax credit provisions, which provide a credit against net income, general excise, and public service company taxes for costs of qualified improvements to property primarily intended for hotel or resort use. The amount of the credit varies between four and twenty percent depending on the amount of costs over a three-year period.

This bill is objectionable because it is unfair and because it results in a substantial revenue loss. The bill is unfair because it does not provide the same rate of credit to all taxpayers. It provides the greatest tax benefits to taxpayers with the largest financial resources, providing them with a credit that is five hundred percent greater than the credit available to those taxpayers with more limited financial resources. Moreover, it is estimated that this bill will result in an annual revenue loss of approximately \$62,800,000. Couple this with the fact that the bill's credit provisions are retroactive to January 1, 1999, and the immediate revenue impact is disastrous.

Finally, this bill is at least partially duplicative of another passed bill. During the Regular Session of 2000, the Legislature also passed Senate Bill No. 2781, also entitled 'A Bill for an Act Relating to Taxation.' Senate Bill No. 2781 provides for a four percent hotel construction and remodeling tax credit and tax exemptions for call centers. Senate Bill No. 2781 has similar purposes to this bill, but will accomplish those purposes in an even handed and less costly manner. Because I intend to approve Senate Bill No. 2781, there is no necessity to also approve this bill.

For the foregoing reasons, I am transmitting Senate Bill No. 2409 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2409, 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. 2409 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2409 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 22nd day of May, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 213, transmitting copies of the Department of Business, Economic Development, and Tourism 1999 Annual Report, as required by Chapter 201-10, HRS.

Gov. Msg. No. 214, informing the House that on May 26, 2000, he signed the following bills into law:

House Bill No. 2568, HD 1, as Act 120, entitled: "RELATING TO STATE PARKS";

House Bill No. 2569, HD 1, as Act 121, entitled: "RELATING TO THE COMMERCIAL FISHERIES SPECIAL FUND";

House Bill No. 2573, HD 1, SD 1, as Act 122, entitled: "RELATING TO THE SPECIAL FUNDS OF THE LAND DIVISION";

Senate Bill No. 185, SD 2, HD 1, CD 1, as Act 123, entitled: "RELATING TO EDUCATION";

Senate Bill No. 915, SD 1, HD 1, as Act 124, entitled: "RELATING TO CANDIDATE VACANCIES";

Senate Bill No. 2108, SD 2, HD 2, CD 1, as Act 125, entitled: "RELATING TO THE PUBLIC LAND TRUST";

Senate Bill No. 2115, SD 1, HD 2, CD 1, as Act 126, entitled: "RELATING TO FALSE CLAIMS";

Senate Bill No. 2151, SD 1, HD 1, CD 1, as Act 127, entitled: "RELATING TO FIREARMS";

Senate Bill No. 2545, HD 1, as Act 128, entitled: "RELATING TO GLASS RECOVERY";

Senate Bill No. 2667, HD 1, as Act 129, entitled: "RELATING TO NO CANDIDATES FILED FOR AN ELECTIVE OFFICE"; and

Senate Bill No. 2670, HD 1, as Act 130, entitled: "RELATING TO ELECTIONS".

Gov. Msg. No. 215, informing the House that on May 30, 2000, he signed the following bills into law:

House Bill No. 2218, HD 1, SD 1, as Act 131, entitled: "RELATING TO INSURANCE";

Senate Bill No. 3043, SD 2, HD 1, CD 1, as Act 132, entitled: "RELATING TO THE STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION"; and

Senate Bill No. 3190, SD 1, HD 1, CD 1, as Act 133, entitled: "RELATING TO CAPTIVE INSURANCE".

Gov. Msg. No. 216, informing the House that on May 30, 2000, he signed the following bills into law:

House Bill No. 1949, HD 2, SD 2, as Act 134, entitled: "RELATING TO ALIEN AQUATIC ORGANISMS";
House Bill No. 2017, HD 1, SD 1, CD 1, as Act 135, entitled: "RELATING TO COLLECTION AGENCIES";

House Bill No. 2183, HD 1, SD 1, CD 1, as Act 136, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 2273, HD 2, SD 1, CD 1, as Act 137, entitled: "RELATING TO THE HAWAII CHILDREN'S TRUST FUND";

House Bill No. 2476, HD 1, SD 2, CD 1, as Act 138, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2112, SD 1, as Act 139, entitled: "RELATING TO THE WAIANAE COAST COMMUNITY BENCHMARKING PILOT PROJECT";

Senate Bill No. 2254, SD 1, HD 2, CD 1, as Act 140, entitled: "RELATING TO PRIVACY OF HEALTH CARE INFORMATION";

Senate Bill No. 2521, SD 1, HD 1, CD 1, as Act 141, entitled: "RELATING TO PROFESSIONAL SERVICE CONTRACTS";

Senate Bill No. 2692, SD 2, HD 2, CD 1, as Act 142, entitled: "RELATING TO SALARIES"; and

Senate Bill No. 3133, SD 1, HD 1, CD 1, as Act 143, entitled: "RELATING TO CRIME".

Gov. Msg. No. 217, informing the House that on May 30, 2000, he signed the following bills into law:

House Bill No. 1902, HD 1, SD 1, CD 1, as Act 144, entitled: "RELATING TO THE STATE WATER CODE";

House Bill No. 1912, HD 1, SD 1, CD 1, as Act 145, entitled: "RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY";

House Bill No. 2098, HD 2, SD 1, CD 1, as Act 146, entitled: "RELATING TO CRIMINAL HISTORY";

House Bill No. 2406, HD 1, SD 1, CD 1, as Act 147, entitled: "RELATING TO AGRICULTURE";

House Bill No. 2432, HD 1, SD 1, as Act 148, entitled: "RELATING TO LOW-INCOME HOUSING TAX CREDIT";

House Bill No. 2481, HD 1, SD 1, as Act 149, entitled: "RELATING TO THE UNIFORM SECURITIES ACT";

House Bill No. 2530, HD 1, SD 1, CD 1, as Act 150, entitled: "RELATING TO AIR POLLUTION CONTROL PUBLIC NOTIFICATION";

House Bill No. 2797, HD 1, SD 1, CD 1, as Act 151, entitled: "RELATING TO INSURANCE CODE"; and

House Bill No. 2835, HD 2, SD 2, CD 1, as Act 152, entitled: "RELATING TO WATERSHED PROTECTION".

Gov. Msg. No. 218, informing the House that on May 31, 2000, he signed the following bills into law:

House Bill No. 2314, HD 1, SD 2, CD 1, as Act 153, entitled: "RELATING TO INSURANCE"; and

House Bill No. 2405, HD 2, SD 1, CD 1, as Act 154, entitled: "RELATING TO PESTICIDES".

Gov. Msg. No. 219, informing the House that on June 1, 2000, he signed the following bills into law:

House Bill No. 2407, HD 1, SD 2, CD 1, as Act 155, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE";
Senate Bill No. 2791, HD 1, as Act 156, entitled: "MAKING AN EMERGENCY APPROPRIATION TO PAY THE SHARE OF HEALTH INSURANCE CARRIER REFUND AND RATE CREDIT AMOUNTS DUE TO THE FEDERAL GOVERNMENT"; and

Senate Bill No. 2872, SD 1, HD 1, CD 1, as Act 157, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION".

Gov. Msg. No. 220, returning House Bill Nos. 101 and 2469, without his approval and with his statements of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 1, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 101

Honorable Members
Twentieth 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. 101, entitled 'A Bill for an Act Relating to Buyback of Employees' Retirement System Membership Service Credit.'

The purpose of House Bill No. 101 is to allow retired members of the Employees' Retirement System of the State of Hawaii who had at least thirty years of credited service to purchase membership service credit for the months in 1942 when they were temporarily loaned to another government's agencies for purposes of civil defense fingerprint identification.

It is my understanding that this bill to allow the purchase of membership service credit for a service period fifty-eight year ago, although ostensibly providing the opportunity to any retired member, is limited in actual operation and is intended to benefit a single individual. I believe that we should not devote

the limited resources of the State to the enactment of a statewide law that will benefit only a single individual.

For the foregoing reasons, I am, returning House Bill No. 101 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 101, entitled 'A Bill for an Act Relating to Buyback of Employees' Retirement System Membership Service Credit,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 101 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 101 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 1st day of June, 2000

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 1, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2469

Honorable Members
Twentieth 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. 2469, entitled 'A Bill for an Act Relating to Subpoenas Issued by the Department of Commerce and Consumer Affairs.'

The purpose of this bill is to allow the Director of Commerce and Consumer Affairs to delegate to any designee of the director the authority to issue subpoenas and the authority to appoint and commission investigators.

The subject of this bill as expressed in its title is the subpoenas issued by the Department of Commerce and Consumer Affairs. However, the contents of the bill pertain to

the delegation of the director's authority to issue subpoenas and the director's authority to appoint and commission investigators. Therefore, the bill violates the single subject requirement of Section 14 of Article III of the State Constitution.

For the foregoing reasons, I am, returning House Bill No. 2469 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2469, entitled 'A Bill for an Act Relating to Subpoenas Issued by the Department of Commerce and Consumer Affairs,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2469 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2469 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 1st day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 1, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2062

Honorable Members
Twentieth 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. 2062, entitled 'A Bill for an Act Relating to Long-Term Care.'

The purposes of Senate Bill No. 2062 are to extend the cessation date for the joint legislative committee on long-term

care; to mandate that the committee contract for an actuarial study ('study') to determine the cost of establishing a state-sponsored program through a funding approach that considers certain factors; to establish selection criteria for selecting the contractor for the study; to mandate that all state agencies cooperate with the contractor; to extend the time for the contractor's submission of findings and recommendations to the governor and legislature and for the submission of draft legislation; to extend the study to include within its scope the largest number of people reasonably possible; to provide that funds that are unexpended or unencumbered at the close of the fiscal year 1999-2000, may be expended during fiscal year 2000-2001 and shall not lapse until June 30, 2001; and to provide that the sums appropriated be expended by the legislature instead of the committee.

Section 8 of the bill is defective and makes sections 4 and 6 of this bill ineffective. Sections 4 and 6 are intended to extend the time for the use of unexpended or unencumbered funds under sections 11 and 13 of Act 93, Session Laws of Hawaii 1999, from the close of fiscal year 1999-2000 to June 30, 2001. Without allowing an extension, these funds would lapse at the end of fiscal year 1999-2000, i.e., on June 30, 2000. However, section 8 of this bill states that sections 4 and 6, i.e., the extensions, shall take effect on July 1, 2000. Because the unexpended or unencumbered funds lapse on June 30, 2000, there are no funds on July 1, 2000, that may be extended for use until June 30, 2001. As a result, there would appear to be no moneys to fund the actuarial study that is the mainstay of this measure.

For the foregoing reasons, I am transmitting Senate Bill No. 2062 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

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

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

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

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 1st day of June 2000

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU
JUNE 1, 2000

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2736

Honorable Members
Twentieth 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. 2736, entitled 'A Bill for an Act Relating to Kikala-Keokea.'

The purpose of this bill is to provide funds for infrastructure development to benefit residents of Hawaiian ancestry in the Kikala-Keokea homestead area of the island of Hawaii by amending Act 242, Session Laws of Hawaii (SLH) 1991, to create the 'Infrastructure Development Fund' to be administered by the Department of Land and Natural Resources and to transfer money into that new fund from the Housing Finance Revolving Fund.

If there is an unexpended and unencumbered balance of the money originally appropriated in 1991 still remaining in the Housing Finance Revolving Fund and if that money can be legally transferred to the new Infrastructure Development Fund, no money can be expended from the Infrastructure Development Fund, because there is no appropriation out of the Infrastructure Development Fund. Section 5 of Article VII of the State Constitution requires that '[n]o public money shall be expended except pursuant to appropriations made by law.' Consequently, this bill will not accomplish its stated purpose of providing funds for infrastructure development at Kikala-Keokea.

For the foregoing reasons, I am transmitting Senate Bill No. 2736 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2736, entitled 'A Bill for an Act Relating to Kikala-Keokea,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2736 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2736 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,

Honolulu, State of Hawaii,
this 1st day of June, 2000.

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

"EXECUTIVE CHAMBERS
HONOLULU

JUNE 1, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2850

Honorable Members
Twentieth 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. 2850, entitled 'A Bill for an Act Relating to Kinship Care.'

The purpose of this bill is to add a new section to chapter 346, Hawaii Revised Statutes, that would require the Department of Human Services (DHS) to develop placement and eligibility requirements for 'kinship boarding homes' apart from other foster care placement and eligibility requirements, except for placement and eligibility requirements relating to safety. Foster children who cannot safely return to their homes would be able to remain with relatives, and the relative caring for the foster child would be paid by DHS for the relative's caretaking services.

This bill's definition of 'kinship boarding home' is illogical. The bill defines the term 'kinship boarding home' as 'any boarding home in which a child is placed with the child's consanguineous father or mother, grandparent, brother, sister, aunt, uncle or first cousin, who provides care and maintenance to the related child apart from the child's parents or guardians on a twenty-four hour basis for a fee or charge.' The first portion of the definition anticipates that a child may be placed with the child's father or mother, but the second portion of the definition requires that the child be placed apart from the child's parents.

For the foregoing reasons, I am transmitting Senate Bill No. 2850 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2850, entitled 'A Bill for an Act Relating to Kinship Care,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2850 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2850 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 1st day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 222, informing the House that on June 5, 2000, he signed the following bills into law:

House Bill No. 1946, HD2, SD1, as Act 158, entitled: "RELATING TO ENERGY CONSERVATION";

House Bill No. 2309, HD1, SD1, as Act 159, entitled: "RELATING TO LAND EXCHANGE IN NORTH KONA, HAWAII";

Senate Bill No. 2166, HD2, as Act 160, entitled: "RELATING TO WIND FARMS";

Senate Bill No. 2574, SD1, HD1, as Act 161, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 2731, SD1, HD2, as Act 162, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2961, SD2 HD1 CD1, as Act 163, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR"; and

Senate Bill No. 2988, SD2, HD2, CD1, as Act 164, entitled: "RELATING TO PUBLIC CONTRACTS AND PROCUREMENT".

Gov. Msg. No. 223, returning House Bill Nos. 2062, 3016, and 3021, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2062

Honorable Members
Twentieth 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. 2062, entitled 'A Bill for an Act Relating to Higher Education.'

The purpose of House Bill No. 2062 is to allow the University of Hawaii greater flexibility in managing its fiscal resources by permitting it to carryover unexpended general funds for one additional fiscal year. In addition, this bill allows the University to expend a sum equal to its end-of-the-fiscal-year faculty payroll using funds appropriated for the following fiscal year.

This bill allows the University to carryover unexpended general funds from one fiscal year to the next fiscal year with no limitation regarding the moneys that may be carried over. In direct contrast, the Department of Education's carryover provision, which serves as the model, specifies a carryover limit of five percent and the use exclusively for school-based programs. With increased authority and autonomy to manage its programs, I believe that the University must also exercise increased fiscal responsibility to accomplish its objectives within the limitations of the appropriation made by the Legislature and the appropriation period designated. Consequently, I believe that this carryover provision is inconsistent with prudent fiscal policy.

Moreover, this bill proposes to permit the University to expend an appropriation from a future fiscal year for its end-of-the-fiscal-year faculty payroll, in violation of Section 11 of Article VII of the Constitution of the State of Hawaii, which requires that all general fund appropriations be for specified periods. Moneys appropriated for a future fiscal year cannot be expended prior to that fiscal year, because the Legislature has specified that period of time during which the appropriation may be expended. Consequently, this bill will not accomplish its purpose of funding the end-of-the-fiscal-year faculty payroll with moneys from a future fiscal year.

In addition, permitting the University of Hawaii to expend moneys from a future fiscal year in the current fiscal year may cause problems in complying with the general fund expenditure ceiling requirements of Section 9 of Article VII of the Constitution of the State of Hawaii. The Legislature's declaration regarding appropriations made in excess of the expenditure ceiling, if required, is based on appropriations made for a particular year. Allowing general fund appropriations from a future fiscal year to be used in the current fiscal year could misstate the Legislature's declaration.

For the foregoing reasons, I am, returning House Bill No. 2062 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

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

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

DONE at the State Capitol,
Honolulu, State of Hawaii,

this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3016

Honorable Members
Twentieth 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. 3016, entitled 'A Bill for an Act Relating to Medical Assistance to Low-Income Persons.'

The purpose of this bill is to add a new section to chapter 321, Hawaii Revised Statutes, to require the State to cover a certain amount of medical expenses for people on social security who have a terminal or life threatening illness.

This bill is objectionable because no funds were appropriated for the purpose of this bill.

For the foregoing reasons, I am, returning House Bill No. 3016 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3016, entitled 'A Bill for an Act Relating to Medical Assistance to Low-Income Persons,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3016 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3016 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 3021

Honorable Members
Twentieth 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. 3021, entitled 'A Bill for an Act Relating to Gasoline.'

The purposes of House Bill No. 3021 are to ban the sale of gasoline, for use in motor vehicles, which contains methyl tertiary-butyl ether (MTBE), and to penalize 'any person who violates this section ... not more than \$25,000 for each separate occurrence or in an amount equal to three times the cost of cleaning up the contamination, whichever is greater.'

Although I support the Legislature's intent to protect Hawaii's drinking water supply from contamination by MTBE, this bill appears to go too far by not allowing the sale of gasoline that may contain only a trace amount of MTBE. Without an exception for even a trace amount of MTBE, this bill may prohibit the importation and sale of less expensive gasoline when the cost of gasoline to the consumer is rising.

Moreover, no state agency presently administers a program that inspects the content of gasoline or enforces any requirement regarding the content of gasoline. This bill merely prohibits the sale after July 1, 2000, of gasoline containing MTBE and does not assign to any state agency the duty to inspect the content of gasoline or to enforce the prohibition. Furthermore, no money has been appropriated to implement a gasoline content inspection and enforcement program.

In addition, the penalty provision is ambiguous and will be difficult to implement. This bill prohibits the sale of gasoline containing MTBE for use in motor vehicles. Consequently, this bill's fine of not more than \$25,000 for 'each separate occurrence' would appear to refer to each sale of the gasoline. However, the fine could also be 'in an amount equal to three times the cost of cleaning up the contamination, whichever is greater,' which then raises doubt as to whether the 'separate occurrence' refers to a contamination instead of a sale. If the bill's treble penalty provision applies to a contamination, the treble penalty provision duplicates existing law. Section 128D-8, Hawaii Revised Statutes (HRS), already provides a similar treble penalty for cleaning up contamination, and chapters 342L and 342H, HRS, regulate, under various circumstances, releases of gasoline into the environment.

For the foregoing reasons, I am, returning House Bill No. 3021 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 3021, entitled 'A Bill for an Act Relating to Gasoline,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3021 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3021 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 224, transmitting Senate Bill Nos. 278, 2301, 2303, 2433, 2706, and 2711, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 278

Honorable Members
Twentieth 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. 278, entitled 'A Bill for an Act Relating to Higher Education.'

The purpose of Senate Bill No. 278 is to change the present ten-member composition of the Board of Directors of The Research Corporation of the University of Hawaii (RCUH), by adding an additional position to the board and reducing the representation by the five members of the Board of Regents of the University of Hawaii who sit on the RCUH board to two members. The remaining nine positions of the RCUH board would be constituted as follows: two who are vice president or dean nominated by the President of the University and selected by the Board of Regents, two who are faculty of the University nominated by the President and selected by the Board of Regents, and five members appointed by the Governor.

This change substitutes the Board of Regents representatives, who are the policymakers at the highest level of the University, with faculty and administration representatives of the University. By this change, the RCUH would conceivably be more responsive to the researchers and faculty who use the services of the RCUH. The purpose of the change is to allow for the involvement of University faculty and administration in the determination of policy for the RCUH.

It is my belief that this is not a wise change for the RCUH or for the University. In 1995 the composition of the RCUH board was specifically changed to include the five Board of Regents representatives. The reason for that change was to increase the participation and oversight over the RCUH activities by the University's Board of Regents. It was stated that the oversight and coordination of the activities of the RCUH with the University required direct oversight of the Board of Regents. Reducing the Board of Regents membership from five to two will upset the balance that presently exists in the board's composition and negate the objective of increased Board of Regents oversight.

The RCUH primarily serves the University's research needs and must take a much more prominent and critical role in helping the University in commercializing its research. The President of the University has described the RCUH as the new commercialization arm of the University. With such enormous and critical responsibilities assigned to the RCUH, it is imperative that the policymakers from the highest levels of the University continue to provide guidance to the Executive Director of the RCUH. Delegation of this oversight to faculty and administration officials of the University is not appropriate. Participation as board members by faculty and administration representatives who may be directly involved with the operations of the RCUH could create conflicts of interest problems for these officials. Faculty members need to concentrate on their primary responsibilities of teaching and research. Adding board responsibilities to their duties would detract from their University activities. There is ample opportunity for the University administration and faculty to provide input to the RCUH through the Board of Regents representatives.

For the foregoing reasons, I am transmitting Senate Bill No. 278 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 278, 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. 278 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 278 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2301

Honorable Members
Twentieth 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. 2301, entitled 'A Bill for an Act Relating to Harbors.'

The purpose of Senate Bill 2301 is to limit current and future use of certain lands to maritime purposes by establishing a definition for 'maritime lands' and placing the control and management of 'maritime lands' under the Department of Transportation (DOT). The bill defines 'maritime lands' to include any 'public lands required for commercial and industrial activities that are dependent on being adjacent to the harbor,' but excluding the Sand Island Business Association industrial lease area, state boating facilities under chapter 200, Hawaii Revised Statutes (HRS), that are managed by the Department of Land and Natural Resources (DLNR), and land under the jurisdiction of the Hawaii Community Development Authority. The bill also provides that the DOT shall exercise all the powers and shall perform all the duties that may lawfully be exercised by or under the State relative to the control and management of 'maritime lands.'

The provisions of this bill are in direct conflict with the provisions of section 171-3, HRS, which specifically provides that the DLNR shall manage, administer, and exercise control over public lands that would encompass 'maritime lands' as defined by this bill. In addition, other state agencies pursuant to executive orders may have jurisdiction over public lands now included within the definition of 'maritime lands.' This overlap will result in confusion and potential conflicts respecting jurisdiction between the various state agencies over management of state lands and the uses to which they may be put. Additionally, the bill will unduly limit and restrict land use decisions and thus may detract from and limit the flexibility necessary to maximize the highest and best use of public lands.

For the foregoing reasons, I am transmitting Senate Bill No. 2301 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2301, entitled 'A Bill for an Act Relating to Harbors,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2301 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2301 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2303

Honorable Members
Twentieth 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. 2303, entitled 'A Bill for an Act Relating to Harbors.'

The purpose of Senate Bill 2303 is to allocate a part of the public service company (PSC) tax revenue derived from passenger cruise vessels to the Department of Transportation harbors special fund and the Department of Land and Natural Resources boating special fund for the construction and improvement of cruise ship facilities in the State. The bill will reduce the State's general fund revenues by diverting certain PSC tax revenue to the harbor and boating special funds where the use of the PSC tax revenue will be restricted to improving and constructing cruise ship facilities.

This bill will restrict and severely limit the flexibility to allocate and prioritize the allocation and expenditure of the PSC tax revenue based on the particular needs of the State. This bill will also reduce general fund revenues to fund improvements and construction that can be better addressed by utilizing revenue bonds to finance any needed improvements.

For the foregoing reasons, I am transmitting Senate Bill No. 2303 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2303, entitled 'A Bill for an Act Relating to Harbors,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2303 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2303 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"
"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2433

Honorable Members
Twentieth 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. 2433, entitled 'A Bill for an Act Relating to Prisons.'

The purpose of Senate Bill No. 2433 is to provide for privatized correctional facilities. Unfortunately, the bill in its current state of compromise cannot, as a practical matter, accomplish this goal.

First, the bill requires the State to establish an operational plan for the new prison facility with which the private contractor must comply. But the operational plan must be based upon the current collective bargaining agreement. Accordingly, many of the current inefficiencies and expenses built into the current system must be perpetuated by the private contractor, thereby defeating an essential advantage of privatization. Private operators are not allowed to innovate, experiment, or react to changing circumstances. They are locked into the operational plan designed by the State based upon the current collective bargaining agreement. Furthermore, if the operational plan is inadvertently inconsistent with any of the numerous provision of the collective bargaining agreement, the union would have a basis to attack the plan.

Second, the bill also provides for only six years in this pilot project. Given the enormous investment of resources and capital, however, private contractors need assurances of a relationship with the State beyond six years.

Third, any continuation of the contract depends upon the legislature's willingness to amend the statutes beyond the proposed six years. This bill not only fails to provide assurances of a potentially long-term relationship, it signals a

clearly ambiguous attitude by the Legislature and an unwillingness to commit to the project.

Fourth, this bill contains various provisions which restrict or penalize a private contractor, but does not restrict or penalize public employees. For example, the bill provides for replacing a private contractor who does not implement the operational plan or who exceeds costs. The bill does not provide an equivalent right to replace a union that provides substandard work or which incurs cost overruns. A private contractor is penalized for escapes and escape attempts and is evaluated based upon recidivism rates. The union is not. A more balanced and equitable approach is needed.

Fifth, the bill sets forth various mandatory requirements regarding the operation of the new prison facility. For example, the State must offer various programs 'to ensure that when inmates are released from the facility, they will successfully make the transition back to society equipped with employable skills.' As a practical matter, some inmates refuse to be rehabilitated, and no program can 'ensure' that they make the transition back to society. Other requirements relating to gender specific programming, or an 'integrated approach,' are vague, and subject to varying interpretations which can only be resolved by additional litigation. Inmates do not need additional grounds upon which they can sue the State.

Sixth, the bill does not provide any moneys for the new prison or for an environmental impact statement (EIS). The bill anticipates that the construction will be paid through private financing and that the EIS would be prepared by the contractor. But no commitments or assurances of appropriations are made. Furthermore, aside from the increased interest costs in utilizing private financing, the State may want the information in the EIS before choosing the site, design, or developer. Accordingly, the EIS should be done before any final decisions are made regarding the site, design, or developer.

Finally, the bill is unfairly biased against the private sector. Union representatives are part of the committee that develops the operational plan upon which the private sector must base their bids. Consequently, the union representatives help to set the rules of the game. After the private sector devotes large amounts of time and money to submit the bids, the unions are shown 'the specific details and price' of the best private proposal and given an opportunity to meet the private sector's bid. In this sense, therefore, the unions not only help to test the rules of the game, but also get to declare the winner. In this obviously biased system, private companies are discouraged from bidding and the lack of competition will tend to increase the amounts of the bids.

In conclusion, the bill sets forth an interesting and complex approach to privatization. The effort is to be applauded, even if the result is ultimately unsatisfactory. If the resolve and good faith remain, however, additional time and consideration may provide the State with practical and workable legislation next year.

For the foregoing reasons, I am returning Senate Bill No. 2433 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his

objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2433, entitled 'A Bill for an Act Relating to Prisons,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2433 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2433 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2706

Honorable Members
Twentieth 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. 2706, entitled 'A Bill for an Act Relating to Taxation.'

The purpose of Senate Bill No. 2706 is to provide a two percent refundable income tax credit to lessees of an aircraft for lease rent paid to a lessor for a stage 3 aircraft under an operating lease during the taxable year. The credit may be claimed for tax years beginning after December 31, 1999, for lease rent paid after June 30, 2000.

The objections to this bill center on the fact that there is no jurisdiction for providing an income tax credit to lessees of an aircraft for rent paid to a lessor. In addition, there is no justification to single out the airline industry for this tax benefit, much less a single airline; every business that rents equipment should be equally deserving of a tax credit if that is the tax policy call. The approval of this tax credit is bad tax policy and sets a precedent for other taxpayers to seek similar tax benefits for their industries that have no justifiable bases.

For the foregoing reasons, I am transmitting Senate Bill No. 2706 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2706, 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. 2706 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2706 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 5, 2000

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2711

Honorable Members
Twentieth 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. 2711, entitled 'A Bill for an Act Relating to Administrative Procedure.'

The purpose of this bill is to revise rulemaking procedures by: authorizing the repeal of a rule within six months after the enabling statute or ordinance has been repealed without regard to the 'notification requirements' of the Hawaii Administrative Procedure Act (HAPA), chapter 91, Hawaii Revised Statutes; requiring agencies to provide written justification for rules that are in excess of what is necessary to comply with federal law; and requiring the 'head of an agency' to ensure that a proposed rule has a 'rational nexus to the law and conforms to the letter, spirit, and intent of the law.'

Although the HAPA requirement to publish notice of a public hearing will be eliminated for repeals of obsolete rules, the HAPA requirement to hold the public hearing will still apply. The portions of the bill that require agencies or their directors to ensure that rules have a rational nexus to and conform to the spirit of enabling laws already are part of the responsibility of agencies adopting rules. The requirements that agencies justify any rule that exceeds federal requirements and make the rule and the justification available for review will accomplish little, because rules have to be justified under the existing procedures and already become public records after adoption. Consequently, this bill appears to be largely unnecessary.

For the foregoing reasons, I am transmitting Senate Bill No. 2711 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2711, entitled 'A Bill for an Act Relating to Administrative Procedure,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2711 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2711 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 5th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 225, transmitting copies of the 1999 State Energy Resources Coordinator's Annual Report, pursuant to Section 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 226, informing the House that on June 6, 2000, he signed the following bills into law:

House Bill No. 750, HD 1, SD 1, as Act 165, entitled: "RELATING TO ISLAND SYMBOLS";

House Bill No. 755, HD 2, SD 2, as Act 166, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1773, HD 1, SD 1, CD 1, as Act 167, entitled: "RELATING TO THE MOTOR CARRIER LAW";

House Bill No. 2410, HD 1, SD 2, CD 1, as Act 168, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATION THEREFOR";

House Bill No. 2418, SD 1, CD 1, as Act 169, entitled: "RELATING TO CERTIFICATES OF IDENTIFICATIONS";

House Bill No. 2423, SD 1, as Act 170, entitled: "RELATING TO TOBACCO PRODUCTS REPORT";

House Bill No. 2491, HD 1, SD 1, CD 1, as Act 171, entitled: "RELATING TO SCHOOL LUNCH";

Senate Bill No. 2785, SD 1, HD 1, as Act 172, entitled: "RELATING TO UNCLAIMED PROPERTY";

Senate Bill No. 2879, SD 2, HD 2, CD 1, as Act 173, entitled: "RELATING TO MOTOR VEHICLE TIRES";

Senate Bill No. 2938, SD 1, HD 1, as Act 174, entitled: "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE"; and

Senate Bill No. 2939, SD 1, as Act 175, entitled: "RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION".

Gov. Msg. No. 227, returning House Bill Nos. 2277 and 2701, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 6, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2277

Honorable Members
Twentieth 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. 2277, entitled 'A Bill for an Act Relating to the Hawaii Tobacco Settlement Special Fund.'

The purposes of House Bill No. 2277 are to prohibit the administration from using tobacco settlement moneys to supplant or diminish general funding for any existing health programs; allow funds to be transferred rather than appropriated from the Hawaii tobacco settlement special fund to the emergency and budget reserve fund, the Department of Health (DOH) tobacco special fund (which the bill also creates), and the Hawaii tobacco prevention and control trust fund; require the DOH to make annual reports to the Legislature concerning these funds; require that moneys transferred to the DOH tobacco special fund be used for the healthy Hawaii initiative and the children's health insurance program, which shall include services for immigrant and other children; enlarge the membership of the advisory group that is to develop a strategic plan and make recommendations for expenditure of moneys transferred to the DOH tobacco special fund; increase the amounts appropriated to the DOH tobacco special fund; and exempt the DOH tobacco special fund from contributing to central service and administrative expenses as is usually required by chapter 36, Hawaii Revised Statutes.

Section 6 of Act 304, Session Laws of Hawaii 1999, contains an existing appropriation of \$5,055,665 for fiscal year 1999-2000 and \$13,506,527 for fiscal year 2000-2001 out of the Hawaii tobacco settlement special fund for the DOH to expend for the purposes specified in section 328L-4, Hawaii Revised Statutes. Section 6 of this bill will amend that appropriation to require that the appropriated money be deposited into the DOH tobacco special fund to be created by this bill. Unfortunately, this bill does not contain an appropriation out of the new DOH tobacco special fund to authorize the expenditure of the money deposited into that new special fund. Section 5 of Article VII of the State Constitution provides in pertinent part: 'No public money shall be expended except pursuant to appropriations made by law.'

Consequently, if this bill becomes law, the money appropriated by Act 304, Session Laws of Hawaii 1999, must

be deposited into the new DOH tobacco special fund, but no expenditure can be made from the new DOH tobacco special fund for fiscal years 1999-2000 and 2000-2001 because there is no appropriation out of that new special fund. On the other hand, if this bill does not become law, the existing appropriations out of the existing Hawaii tobacco settlement special fund made by Act 304, Session Laws of Hawaii 1999, for fiscal years 1999-2000 and 2000-2001 may be expended by the DOH for the purposes specified in section 328L-4, Hawaii Revised Statutes.

For the foregoing reasons, I am returning House Bill No. 2277 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 2277, entitled 'A Bill for an Act Relating to the Hawaii Tobacco Settlement Special Fund,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2277 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2277 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 6, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2701

Honorable Members
Twentieth 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. 2701, entitled 'A Bill for an Act Relating to Public Schools.'

The purpose of this bill is to establish a renewable energy demonstration project in the Department of Education (DOE)

to demonstrate the feasibility and cost-effectiveness of installing photovoltaic or other renewable energy systems and energy storage devices in the public schools using performance contracting and net metering. One school in each school district is to be selected to participate in the demonstration project.

The DOE has already installed photovoltaic panels in twelve public schools. Based on the review of the installation and use of these panels, the DOE concluded that the installation of photovoltaic systems would be costly and not cost-effective and that the period to recover the costs would be between thirty to fifty-five years. Given the lengthy payback period, the DOE believes that it is unrealistic to expect that this project will be paid for by performance contracting.

The start-up costs for the project will include costs to design and construct the systems, including the photovoltaic panels, electrical equipment and connecting electrical systems, battery storage, storage cell shelters with appropriate security against vandalism, and school building roof reinforcement. Although a demonstration project need only be performed in one school district to determine the feasibility of a renewable energy system, this bill requires that one school in each public school district be selected for this demonstration project. For this large demonstration project, the Legislature has not provided any funds. Due to other competing educational priorities and the urgent repair and maintenance needs of existing public schools, the DOE does not have funds in its budget that can be made readily available to implement this bill's project.

For the foregoing reasons, I am returning House Bill No. 2701 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2701, entitled 'A Bill for an Act Relating to Public Schools,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2701 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2701 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 228, transmitting Senate Bill Nos. 568 and 2074, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS HONOLULU

June 6, 2000

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 568

Honorable Members
Twentieth 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. 568, entitled 'A Bill for an Act Relating to Historic Preservation.'

The purposes of this bill are to require the Department of Land and Natural Resources (DLNR) to establish, maintain, and support a burial sites program and to require DLNR to provide administrative support to the island burial councils. This bill will amend section 6E-3, Hawaii Revised Statutes (HRS), to add a new paragraph (18) that will include as part of the historic preservation program the '[e]stablishment, maintenance, and support of a burial sites program, to include administrative support to the island burial councils under section 6E-43.5 and handling inadvertent discovery of burial sites under section 6E-43.6.' This bill will also amend section 6E43.5(a), HRS, to add '[t]he department shall provide administrative support to the island burial councils.'

This bill is totally unnecessary. Section 6E-3, HRS, established a division in DLNR to administer a comprehensive historic preservation program and described the program to include in paragraph (10) the '[c]oordination of the evaluation and a management of burial sites as provided in section 6E-43.' Because the coordination of the evaluation and management of burial sites is already a function of the historic preservation program, the statutory establishment of another program within the existing program is unnecessary. Section 6E-43, HRS, provides for the review of burial sites by island burial councils to determine whether the burial sites should be preserved in place or relocated. Section 6E-43.5, HRS, requires in subsection (a) that DLNR establish island burial councils to implement section 6E-43 and states in subsection (c) that the 'councils shall be a part of the department for administrative purposes.' Adding another sentence in subsection (a) to require administrative support is unnecessary. Pursuant to section 26-35, HRS, the administrative support desired for the island burial councils should be addressed during the budgetary process.

For the foregoing reasons, I am transmitting Senate Bill No. 568 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before

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

WHEREAS, Senate Bill No. 568, entitled 'A Bill for an Act Relating to Historic Preservation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 568 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 568 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 6, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2074

Honorable Members
Twentieth 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. 2074, entitled 'A Bill for an Act Relating to Corrections.'

The purpose of this bill is to establish a task force on parity for female offenders that will review all programs currently offered to female adult and juvenile offenders in the custody of the Department of Public Safety.

The Department of Public Safety is reviewing its programs on an ongoing basis and currently meets with representatives from community agencies providing services to female offenders. The Director of Public Safety may call upon the criminal justice agencies, the community agencies, and the business community for assistance as needed in the ongoing review. Because the objective of this bill can be accomplished administratively, this bill is unnecessary.

For the foregoing reasons, I am transmitting Senate Bill No. 2074 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2074, 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. 2074 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2074 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 229, informing the House that on June 7, 2000, he signed the following bills into law:

House Bill No. 1893, HD1, SD1, as Act 176, entitled: "RELATING TO ENERGY";

House Bill No. 1955, HD2, SD1, CD1, as Act 177, entitled: "RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION";

House Bill No. 1983, HD1, SD2, CD1, as Act 178, entitled: "RELATING TO THE LAND COURT";

House Bill No. 1994, HD2, SD2, CD1, as Act 179, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURE";

House Bill No. 2024, HD1, SD2, CD1, as Act 180, entitled: "MAKING AN APPROPRIATION TO THE LEGISLATIVE AGENCIES";

House Bill No. 2213, SD1, as Act 181, entitled: "RELATING TO BINDING ARBITRATION AWARDS";

House Bill No. 2472, HD2, SD2, CD1, as Act 182, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1276, SD1, HD2, CD1, as Act 183, entitled: "RELATING TO THE SUPERINTENDENT OF EDUCATION";

Senate Bill No. 2056, SD1, HD1, CD1, as Act 184, entitled: "RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDITS";

Senate Bill No. 2152, SD1, HD1, CD1, as Act 185, entitled: "RELATING TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS";

Senate Bill No. 2154, SD1, HD1, CD1, as Act 186, entitled: "RELATING TO PROTECTIVE ORDERS";

Senate Bill No. 2218, SD1, HD2, CD1, as Act 187, entitled: "RELATING TO NEW CENTURY CHARTER SCHOOLS"; and

Senate Bill No. 2530, SD1, HD1, CD1, as Act 188, entitled: "RELATING TO AGRICULTURE".

Gov. Msg. No. 230, informing the House that on June 8, 2000, he signed the following bills into law:

House Bill No. 1881, HD 2, SD 2, CD 1, as Act 189, entitled: "RELATING TO USE OF INTOXICANTS";

Senate Bill No. 2480, SD 1, HD 1, CD 1, as Act 190, entitled: "RELATING TO ANNULMENT, DIVORCE, AND SEPARATION";

Senate Bill No. 2536, SD 1, HD 2, as Act 191, entitled: "RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT";

Senate Bill No. 2741 HD 2, CD 1, as Act 192, entitled: "RELATING TO THE STATE WATER CODE";

Senate Bill No. 2745, SD 1, HD 2, as Act 193, entitled: "RELATING TO AGRICULTURE";

Senate Bill No. 2758, SD 1, HD 2, as Act 194, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

Senate Bill No. 2781, SD 2, HD 2, CD 1, as Act 195, entitled: "RELATING TO TAXATION";

Senate Bill No. 2870, SD 1, HD 2, as Act 196, entitled: "RELATING TO SAFE DRINKING WATER";

Senate Bill No. 2905, HD 2, as Act 197, entitled: "RELATING TO EMPLOYMENT SECURITY";

Senate Bill No. 2945, SD 1, HD 3, as Act 198, entitled: "RELATING TO TAXATION";

Senate Bill No. 2946, SD 1, HD 1, CD 1, as Act 199, entitled: "RELATING TO TAXATION APPEALS";

Senate Bill No. 3079, HD 1, as Act 200, entitled: "RELATING TO CRIMINAL TRESPASS IN THE FIRST DEGREE"; and

Senate Bill No. 3179, HD 3, CD 1, as Act 201, entitled: "RELATING TO TOBACCO".

Gov. Msg. No. 231, transmitting copies of the Biennial Report 1998-1999 of the Business Action Center as required by Act 377, SLH 1988.

Gov. Msg. No. 232, transmitting Senate Bill Nos. 2448, 2490, 2579 and 2722, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2448

Honorable Members
Twentieth 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. 2448, entitled 'A Bill for an Act Relating to Autism.'

The purpose of this bill is to establish the Hawaii autism center of excellence within the University of Hawaii at Manoa School of Medicine.

This program is well-intentioned; however, the Legislature did not include the appropriate funds to support the center. Mandating such a program without providing funds is contrary to the Legislature's stated desire to grant autonomy to the University of Hawaii over its internal structure, management, and operational decisions. Moreover, this bill infringes on the powers of the University's Board of Regents to formulate policy for the University. Accordingly, I am forced to disapprove this measure and hope that the Legislature would, in the future, provide adequate funding when it establishes such programs.

For the foregoing reasons, I am transmitting Senate Bill No. 2448 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, Senate Bill No. 2448, entitled 'A Bill for an Act Relating to Autism,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2448 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2448 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2490

Honorable Members
Twentieth 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. 2490, entitled 'A Bill for an Act Relating to Long-Term Residential Care.'

The purpose of this bill is to require the Executive Office on Aging (EOA) to establish a long-term care information and referral system that shall include a uniform initial information and referral screening tool to be developed by the EOA. This bill will also require the Subcommittee on Residential Care of the Joint Legislative Committee on Long-Term Care to study the reorganization of all adult residential care homes and facilities into a new 'adult residential care facilities' category for regulatory purposes.

Everyone knows of someone who has or will become a caregiver to a relative who is in need of long-term care. A long-term care information and referral system that includes a screening tool would have assisted callers in deciding on appropriate care based upon an individualized need for services. Although I Believe that such a system is highly desirable and I support the establishment of such a system, the Legislature provided no funds for the costs associated with the establishment and maintenance of such a system.

For the foregoing reasons, I am transmitting Senate Bill No. 2490 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2490, entitled 'A Bill for an Act Relating to Long-Term Residential Care,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2490 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2490 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2579

Honorable Members

Twentieth 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. 2579, entitled 'A Bill for an Act Relating to Housing.'

The purpose of this bill is to create a special needs housing special fund to provide money for the purchase, renovation, or construction of supportive housing for homeless persons with mental illness and substance abuse addictions. The special fund is to be administered by the Housing and Community Development Corporation of Hawaii.

The Department of Health provides funds for various housing options with supportive services for adults with mental illness and substance abuse problems, including the homeless. The Legislature could have increased the funds appropriated to the Department of Health instead of creating a special fund for only the homeless persons. Although this bill will create the special fund, there is no appropriation of money to be deposited into the special fund and there is no appropriation of money to authorize expenditures out of the special fund. Consequently, this bill will not provide any supportive housing for homeless persons with mental illness and substance abuse addictions.

For the foregoing reasons, I am transmitting Senate Bill No. 2579 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2579, entitled 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2579 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2579 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2722Honorable Members
Twentieth 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. 2722, entitled 'A Bill for an Act Relating to Hawaiian Language Immersion Program.'

The purpose of this bill is to statutorily establish the Hawaiian Language Immersion Program (HLIP) and to enable its full implementation by authorizing the Department of Education (DOE) to create a separate office of Hawaiian Language Immersion instruction and to employ necessary qualified personnel, to provide additional benefits to HLIP teachers, and to provide facilities and transportation when fifteen or more qualified children in any one departmental school district wish to enroll in the HLIP.

Section 302A-1128 (a), Hawaii Revised Statutes, authorizes the DOE to 'establish and maintain schools for secular instruction at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit.' Pursuant to this authority, the DOE established in 1987 and has expanded the HLIP. Consequently, I question the need for this bill, especially because this bill may create unrealistic expectations of the DOE's ability to accommodate all students who may be interested in participating in the HLIP. No additional funds have been provided for the separate office, additional personnel, additional HLIP teacher benefits, additional facilities, and additional transportation.

For the foregoing reasons, I am transmitting Senate Bill No. 2722 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of HawaiiP R O C L A M A T I O N

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

WHEREAS, Senate Bill No. 2722, entitled 'A Bill for an Act Relating to Hawaiian Language Immersion Program,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2722 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2722 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,

this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 233, returning House Bill Nos. 1956, 2023, and 2160, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1956Honorable Members
Twentieth 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. 1956, entitled 'A Bill for an Act Relating to Small Business.'

The purpose of this bill is to transfer the Small Business Defender from the Legislature to the Department of Business, Economic Development, and Tourism (DBEDT). In addition, this bill allows the Small Business Defender to hire its own attorneys and deletes the sunset date of June 30, 2000, relating to the repeal of the Hawaii Small Business Regulatory Flexibility Act and the Small Business Defender.

House Bill No. 1956 allows the Small Business Defender, on a discretionary basis, to provide legal representation to a small business in certain types of legal disputes. There is no Constitutional requirement that the State provide legal representation to a private business in civil dispute. By transferring the Small Business Defender from the Legislature to DBEDT to defend a small business against State-issued civil citations, this bill creates an inherent conflict between the Small Business Defender and DBEDT. Moreover, no appropriation was made to fund the Small Business Defender.

For the foregoing reasons, I am returning House Bill No. 1956 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of HawaiiP R O C L A M A T I O N

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

WHEREAS, House Bill No. 1956, entitled 'A Bill for an Act Relating to Small Business,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1956 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1956 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 14, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2023

Honorable Members
Twentieth 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. 2023, entitled 'A Bill for an Act Relating to Agricultural Infrastructure.'

The purposes of this bill are to provide an income tax credit in the amount of ten percent of the cost of agriculture infrastructure improvements over \$200,000 made by the taxpayer for the taxable year in which the improvements were made and to provide an income tax credit in the amount of ten percent of the cost of construction of a new water storage facility or the reconstruction or improvement of any existing water storage facility paid by the taxpayer for the taxable year in which the water storage facility was constructed, reconstructed, or improved. Any tax credit in excess of a taxpayer's income tax liability in that taxable year may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

Our tax laws already provide some preferential tax treatment to agriculture-related producers. The sale of certain items are taxed at the general excise tax wholesale rate of one-half percent instead of the four percent higher rate. In addition, equipment purchased for use in the producer's business that is subject to the general excise tax at the retail rate of four percent is eligible for the capital goods excise tax credit on the producer's net income tax return. The capital goods excise tax credit also may be taken for tangible property used as an integral part of manufacturing or production, including storage facilities. Because the number of taxpayers who will apply for the tax credit and the number and cost of agriculture infrastructure and water storage facility improvements are unknown, the revenue impact of the tax credits that will be provided by this bill is unknown. In view of the existing preferential tax treatment for agriculture-related producers and in view of the unknown tax revenue impact, I believe that this bill's tax credits are inappropriate at this time.

For the foregoing reasons, I am returning House Bill No. 2023 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2023, entitled 'A Bill for an Act Relating to Agricultural Infrastructure,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2023 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2023 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 14th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2160

Honorable Members
Twentieth 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. 2160, entitled 'A Bill for an Act Relating to the Traumatic Brain Injury Trust Fund.'

The purpose of this bill is to create the traumatic brain injury trust fund for funding services relating to education, professional training, research, evaluation, and advocacy programs on traumatic brain injuries. The trust fund will be administered by the existing Traumatic Brain Injury Advisory Board, which is renamed the 'Traumatic Brain Injury Board.' Moneys to be deposited into the trust fund will be any received traumatic brain injury grants of federal funds and gifts and donations from individuals, private organizations, or foundations, especially donations 'by an individual or entity from the initial issuance of a driver's license and each subsequent renewal.'

The reliance on the voluntary donations of individuals at the time of the initial issuance of a driver's license or at the time of renewal every six years appears to be misplaced. I believe that the voluntary donations from this source are unlikely to result in a significant amount of money for the trust fund. Annual

fund drives by a private nonprofit organization will more likely result in a larger amount of donations than voluntary donations sought from individual driver's license holders at six-year intervals for a government-administered trust fund.

This bill does not require any organization or government agency to collect the donations from the driver's license holders. Pursuant to chapter 286, Hawaii Revised Statutes, driver's licenses are issued by county agencies. However, Section 5 of Article VIII of the State Constitution states, 'If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost.' Because this bill does not provide for any reimbursement to county agencies for the costs of soliciting and collecting donations from driver's license holders, the county agencies cannot be compelled to solicit and collect the donations and there is no indication that the county agencies will voluntarily implement this bill's funding mechanism.

For the foregoing reasons, I am, returning House Bill No. 2160 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 2160, entitled 'A Bill for an Act Relating to the Traumatic Brain Injury Trust Fund,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2160 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2160 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

Gov. Msg. No. 234, informing the House that on June 14, 2000, he signed the following bills into law:

House Bill No. 2492, HD1, SD1, CD1, as Act 202, entitled: "RELATING TO EDUCATION";

House Bill No. 2574, HD1, SD1, CD1, as Act 203, entitled: "RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND";

House Bill No. 2576, HD1, SD1, as Act 204, entitled: "RELATING TO THE WATER RESOURCE MANAGEMENT FUND";

House Bill No. 2648, HD2, SD2, CD1, as Act 205, entitled: "RELATING TO PROBATION";

House Bill No. 2793, HD1, SD1, CD1, as Act 206, entitled: "RELATING TO AGRICULTURE";

House Bill No. 2801, HD2, SD2, CD1, as Act 207, entitled: "RELATING TO AGRICULTURE";

House Bill No. 3014, HD1, SD1, CD1, as Act 208, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS";

Senate Bill No. 3129, HD2, as Act 209, entitled: "RELATING TO HAWAIIAN HEALING PRACTICES";

Senate Bill No. 3160, SD2, HD2, CD1, as Act 210, entitled: "RELATING TO THE SALE OF RESIDENTIAL CONDOMINIUM APARTMENTS TO OWNER-OCCUPANTS"; and

Senate Bill No. 3199, SD1, HD2, CD1, as Act 211, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE".

Gov. Msg. No. 235, informing the House that on June 14, 2000, he signed the following bills into law:

House Bill No. 1969, HD2, SD1, CD1, as Act 212, entitled: "MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS";

House Bill No. 2222, HD1, SD1, CD1, as Act 213, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 2429, HD2, SD2, CD1, as Act 214, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

House Bill No. 2446, SD1, as Act 215, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 2458, SD1, CD1, as Act 216, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 2468, HD1, SD1, as Act 217, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION";

House Bill No. 2480, HD1, SD1, CD1, as Act 218, entitled: "RELATING TO LIMITED LIABILITY PARTNERSHIPS";

House Bill No. 2483, HD1, SD1, as Act 219, entitled: "RELATING TO BUSINESS REGISTRATION";

Senate Bill No. 2354, SD1, HD2, CD1, as Act 220, entitled: "RELATING TO PUBLIC ACCESS";

Senate Bill No. 2729, SD1, HD2, CD1, as Act 221, entitled: "RELATING TO SERVICE CONTRACTS"; and

Senate Bill No. 2987, SD1, HD2, CD1, as Act 222, entitled: "RELATING TO PUBLIC CONTRACTS".

Gov. Msg. No. 236, informing the House that on June 14, 2000, he signed the following bill into law, and also transmitted a copy of House Bill No. 1632 with his statement of objections to an appropriation, as follows:

House Bill No. 1632, HD3, SD1, CD1, as Act 223, entitled: "A Bill for an Act Relating to Agriculture".

"EXECUTIVE CHAMBERS
HONOLULU

June 14, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1632

Honorable Members
Twentieth 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. 1632, entitled 'A Bill for an Act Relating to Agriculture.'

The purposes of this bill are to appropriate funds for agricultural loans to finance major sugar cane operations on the island of Kauai and to appropriate funds for intensive control of the papaya ringspot virus on the island of Hawaii. This bill also authorizes the Board of Agriculture to waive, for the sugar cane operations loans, certain of the statutory requirements specified in chapter 155, Hawaii Revised Statutes.

Although the additional funding to be provided by this bill is clearly needed, the agricultural loan revolving fund may not be able to fully support all of the funding needs. This bill will appropriate \$2,500,000 out of the general revenues of the State for fiscal year 2000-2001 for deposit into the agricultural loan revolving fund, but will appropriate twice that amount, \$5,000,000, out of the agricultural revolving fund to finance major sugar cane operations on the island of Kauai. Due to increased demands on the revolving fund resulting from recent enactments, the fund is not expected to have sufficient moneys to provide the additional \$2,500,000. Consequently, I have indicated my objection to that amount of the appropriation in section 3 of this bill by reducing the \$5,000,000 out of the agricultural revolving fund to \$2,500,000.

For the foregoing reasons, I am, returning House Bill No. 1632 with the appropriation in Section 3 reduced to \$2,500,000.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 1632, entitled 'A Bill for an Act Relating to Agriculture,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 or Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, House Bill No. 1632 appropriates money for specific purposes and a certain appropriation item in that bill is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1632, with my objection to a certain appropriation item contained therein, 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 14th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 237, informing the House that on June 14, 2000, he signed the following bills into law:

House Bill No. 540, HD2, SD1, CD1, as Act 224, entitled: "RELATING TO HUMAN SERVICES";

House Bill No. 2278, HD2, SD1, as Act 225, entitled: "RELATING TO SOCIAL WORKERS";

House Bill No. 2534, HD2, SD1, as Act 226, entitled: "RELATING TO CRITICAL ACCESS HOSPITALS";

House Bill No. 2774, SD1, CD1, as Act 227, entitled: "RELATING TO DISCRIMINATION IN PUBLIC PLACES";

Senate Bill No. 862, SD2, HD1, as Act 228, entitled: "RELATING TO THE MEDICAL USE OF MARIJUANA"; and

Senate Bill No. 2475, SD1, HD3, CD1, as Act 229, entitled: "RELATING TO GENDER EQUITY IN SPORTS".

Gov. Msg. No. 238, informing the House that on June 15, 2000, he signed the following bills into law:

House Bill No. 645, SD2, CD1, as Act 230, entitled: "RELATING TO VETERANS RIGHTS AND BENEFITS";

House Bill No. 2262, HD2, SD1, as Act 231, entitled: "ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE KOREANS TO HAWAII";

House Bill No. 2354, HD2, SD2, CD1, as Act 232, entitled: "MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION"; and

Senate Bill No. 680, SD1, HD2, CD1, as Act 233, entitled: "RELATING TO FIREWORKS".

Gov. Msg. No. 239, returning House Bill Nos. 284, 2060, and 2280, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 284

Honorable Members
Twentieth 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. 284, entitled 'A Bill for an Act Relating to Education.'

The purposes of this bill are to statutorily establish a Hawaii State Student Council with responsibility for conducting an annual conference of secondary school students and to repeal chapter 317, Hawaii Revised Statutes, which provides for an annual conference of secondary school students.

There already is a Hawaii State Student Council that is a program that has been implemented and coordinated by the Department of Education (DOE) for some time. That council was established under the regulations and policies of the DOE. The Board of Education adopted guidelines in 1972 that made the State Student Council a part of the school system. Consequently, this bill is not necessary to provide for the proper operation of the council and there is no compelling need to statutorily establish an amended council at this time.

This bill also will give the council the authority to determine the number of council members. Any increase in the number of council members will increase the council's operating costs beyond the current funding. Moreover, this bill will require the DOE to assign a staff member to be known as the 'staff adviser to the Hawaii state student council' and a staff member to be known as the 'staff adviser to the conference committee.' Currently, a DOE staff member is assigned to assist the student council concurrently with other student activities. No funds are provided in this bill or in the DOE's operating budget for the salaries of these staff advisers.

For the foregoing reasons, I am returning House Bill No. 284 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 284, 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. 284 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 284 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO

Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2060

Honorable Members
Twentieth 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. 2060, entitled 'A Bill for an Act Relating to the University of Hawaii.'

The purposes of this bill are to clarify that the legal services to the University of Hawaii shall be provided by the University General Counsel, to establish a new provision relating to the service of process on the University, and to provide for the payment of all claims and judgments against the University from moneys appropriated by the Legislature.

This bill is objectionable because it allows the University, upon advice of its attorneys, to settle lawsuits against the University and pay for such settlements from moneys appropriated by the Legislature for whatever purpose as well as from appropriations secured from the Legislature to fund claims against the University. While the intent of this bill is to enhance the University's autonomy without jeopardizing the University's fiscal stability, such efforts could impact the State's financial stability. Under this bill the University would be able to settle lawsuits without coordination with the Attorney General and without regard to the impact on the State's fisc. [sic]

Finally, while the intent of this bill is to also ensure and preserve to the University the sovereign immunity defense enjoyed by the State of Hawaii and its agencies, there should be no question that the University of Hawaii is and has always been an agency of the State and is covered by the immunity of the State. Nothing in the legislative history of Act 115, Session Laws of Hawaii 1998, which conferred the University certain statutory autonomy, suggests that Act 115 was intended to waive the sovereign immunity or Eleventh Amendment immunity of the University. Such waiver must be clear and unequivocal. The language of Act 115 was not intended to be a clear and unequivocal waiver of the State's sovereign immunity. This bill's attempt to reconfirm those immunities is, therefore, unnecessary.

For the foregoing reasons, I am returning House Bill No. 2060 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, House Bill No. 2060, entitled 'A Bill for an Act Relating to the University of Hawaii,' passed by the

Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2060 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2060 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2280

Honorable Members
Twentieth 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. 2280, entitled 'A Bill for an Act Relating to School-to-Work.'

The purpose of this bill is to amend the School to Work Opportunities Pilot Project to delete the statutory reference to a 'pilot project' and to amend the name, composition, and powers of the project's executive council to make the executive council an advocacy board for the school-to-work system. This bill will also appropriate \$200,000 for fiscal year 2000-2001 for the executive council.

The School to Work Opportunities Pilot Project was established by Act 343, Session Laws of Hawaii 1997. Under the federal School-to-Work Opportunities Act of 1994, Hawaii will have received, by September 2000, \$10,625,000 to assist in developing a school-to-work system, but the current balance of the federal grant is actually far less in amount and will be expended by September 30, 2000. With the expiration of the major federal funding, continuation of the school-to-work system beyond September 30, 2000, will require a commitment of state general funds in an amount in excess of the \$200,000 to be appropriated by this bill. This commitment has not been made.

For the foregoing reasons, I am returning House Bill No. 2280 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2280, entitled 'A Bill for an Act Relating to School-to-Work,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2280 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2280 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 240, transmitting Senate Bill Nos. 873 and 2576, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 873

Honorable Members
Twentieth 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. 873, entitled 'A Bill for an Act Relating to Real Property Appraisals.'

The purpose of Senate Bill No. 873 is to amend chapter 519, Hawaii Revised Statutes (HRS), which deals with lease rent renegotiations for both commercial and residential leases, to provide that, at the time of renegotiation, a lease rent based on fair market value, if less than the rent currently being paid, will prevail over any existing contract provision that bars the lowering of lease rent upon renegotiation.

An earlier version (House Draft 1) of Senate Bill No. 873 than that which finally passed contained a provision providing tax benefits to landowners to cover lost or reduced rent caused by the bill. An Attorney General review of that version of the bill was inconclusive as to whether the modification of contracts caused by the bill would be regarded as substantial. The final version of the bill deleted the tax benefits for owners. Also, the earlier version of the bill had required that if lease rent were reduced because of the bill, a sublessor was to pass on the rent reduction to the sublessee. The bill as passed no longer provides for this pass through. Prior to the passage of the final version of this bill, the Attorney General expressed the view that it violated the Contracts Clause in Section 10 of Article I of the United States Constitution.

Given the decision of the Supreme Court of Hawaii in Anthony v. Kualoa Ranch, Inc., 69 Haw. 112, 736 P.2d 55

(1987), I do not believe this bill will pass Constitutional muster.

In Kualoa Ranch, the court struck down section 516-70, HRS, because it constituted an impermissible impairment of contracts. The provision applied to all residential leases. It required that at the end of the lease, at the lessee's option, the lessor had to purchase the leasehold improvements from the lessee. The statute applied to all residential leases, not just those that were included in development tracts subject to condemnation under the lease-to-fee conversion mechanisms of chapter 516. For those leases that were not included in chapter 516, the only finding by the Legislature to support such an exercise of the police power was the 'expressed desire of the legislature to accomplish equity.' 69 Haw. at 124, 736 P.2d at 63.

The court said that if this desire of the Legislature could justify this substantial and material change in the contractual obligations and remedies in all existing leases, it could also be used to justify changing any of the other material terms of existing lease agreements, such as rent, term of lease, etc. Such changes can be made in emergency situations and for limited periods. See Home Building & Loan Association v. Blaisdell, 290 U.S. 398, 54 S.Ct. 231, 78 L.Ed. 413 (1934). Here, there was no emergency and no limitation on the duration of the change.

Id.

For Senate Bill No. 873, the only legislative finding in support of the bill is, 'The legislature finds that it is in the public interest that the lease rent and sublease rent should be based on the fair market value of the land.' It does not appear that under the decision in Kualoa Ranch, this bill would be upheld with just this simple expression as justification.

It may be asserted that legislative findings made twenty-five years ago when Act 185, Session Laws of Hawaii 1975, was enacted to become section 519-2, HRS (which deals with leases for residential land), could be used to support Senate Bill NO. 873 to the extent that the bill applies to residential leaseholds. There is, however, nothing in Senate Bill No. 873 that adopts, reaffirms, or refers to the findings in Act 185 and those findings are more than two decades old. Moreover, there is nothing in Senate Bill No. 873 or the Act 185 findings that supports the treatment of commercial leases by the bill.

There are other problems with Senate Bill No. 873. It provides that appraisals of fair market value will not be settled by arbitration under chapter 658, HRS, but instead will be settled by the procedures for appraisal in sections 10-13.6(b) and 171-18.5(b), HRS. The appraisal method under both sections is to determine fair market value on a per-acre basis, a procedure that is ill-designed for residential property much of which is in 10,000-square-foot lots or less. I believe a per acre methodology may result in erroneous and inaccurate valuations.

If Senate Bill No. 873 were to become law, it will amend section 519-1, HRS, to provided in part, that rental renegotiations will not be determined by arbitration and will conflict with section 519-2(b), HRS, which requires arbitration for residential leases whenever parties are unable to achieve an agreement under a reopening provision. The bill will thus create an inconsistency in chapter 519 with respect to residential leaseholds.

For the foregoing reasons, I am returning Senate Bill No. 873 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 873, entitled 'A Bill for an Act Relating to Real Property Appraisals,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 873 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 873 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2576

Honorable Members
Twentieth 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. 2576, entitled 'A Bill for an Act Relating to State Owned Public Housing.'

The purpose of this bill is to authorize the Housing and Community Development Corporation of Hawaii (HCDCH) to establish a resident advisory board, composed of no more than twenty-one members representing federal, section 8, state, and senior citizen housing projects, to advise the HCDCH in matter relating to the planning and operation of housing programs. In addition, this bill will amend the composition of the HCDCH's board of directors by adding three members representing public housing appointed from a list of candidates compiled by the resident advisory board.

Although this bill states its purpose to be to comply with the federal Quality Housing and Work Responsibility Act of 1998 (QHWRA), that federal act requires the resident advisory board to assist only in the development of a public housing agency plan and does not specify how the resident advisory board should be established. This bill states that the HCDCH, 'upon consultation with the state election office and with oversight conducted by an independent monitor,' may establish the board, thereby implying that the board's members are to be selected through a statewide election. No funds were provided

for the cost of establishing and operating the resident advisory board.

Furthermore, QHWA requires the public housing agency's board of directors to include a minimum of one member who is directly assisted by the public housing agency. This bill's requirement of three members will result in a reevaluation of the favorable bond rating presently given to HCDCH. The bond rating service has expressed its concern that the change in composition of the HCDCH's board of directors to have twenty-five percent of the members representing the public housing projects may cause the board of directors to favor the capital needs of various public housing properties and thereby alter the future expense allocation and the financial strength of the HCDCH.

For the foregoing reasons, I am returning Senate Bill No. 2576 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, Senate Bill No. 2576, entitled 'A Bill for an Act Relating to State Owned Public Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2576 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2576 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 241, transmitting Senate Bill Nos. 2021, 2312, and 3201, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2021

Honorable Members

Twentieth 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. 2021, entitled 'A Bill for an Act Relating to Housing.'

The purposes of this bill are to protect the residents of federally assisted housing projects in the State and to maintain the inventory of these assisted units by requiring, among other things, the private owners to notify the Housing and Community Development Corporation of Hawaii (HCDCH) one year before they intend to terminate their federal subsidy contracts with the United States Department of Housing and Urban Development.

This bill violates Section 20 of Article I of the Constitution of the State of Hawaii and Article V of the United States Constitution. Under section 201G-C(a) (4) of the new subpart to be added to chapter 201G, Hawaii Revised Statutes, by this bill, when an owner of a federally assisted housing project notifies the HCDCH of the owner's intent to terminate the subsidy contract, the HCDCH shall issue a letter to the owner expressing a desire to purchase the property. This letter is to be construed as a threat of condemnation by the HCDCH. However, this bill has no provision that either requires or enables the HCDCH to condemn the property and has no provision that defines the method and manner for assessing compensation to the owner.

This bill also conflicts with section 101-24, Hawaii Revised Statutes. Section 101-24 requires that the costs and damages that are required to be paid to the owner be assessed from the date of summons of the filed condemnation complaint. This bill does not amend section 101-24 and does not require that the issuance of the HCDCH letter serve as a substitute or alternate summons or as the indicator of the date from which costs and damages are to be assessed.

Furthermore, section 201G-C(b) of the new subpart added by section 2 of this bill is ambiguous, because it does not establish a time limit or priority when the first opportunity to purchase the housing development is to exercised and, therefore, the bill may unreasonably encumber and cloud the landowner's property.

For the foregoing reasons, I am returning Senate Bill No. 2021 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, Senate Bill No. 2021, entitled 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2021 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2021 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2312

Honorable Members
Twentieth 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. 2312, entitled 'A Bill for an Act Relating to a Hoisting Machine Operators Certification Revolving Fund.'

The purposes of this bill are to appropriate out of the general revenues of the State the sum of \$50,000 for deposit into the Hoisting Machine Operators' Certification Revolving Fund and to appropriate the \$50,000 out of the revolving fund for fiscal year 2000-2001 for purposes specified in section 396-20, Hawaii Revised Statutes.

Section 396-20(a), Hawaii Revised Statutes, provides for the deposit into the Hoisting Machine Operators' Certification Revolving Fund of all fees, penalties, fines, and interest collected from the certification of hoisting machine operators. Because no fees have been collected yet, the revolving fund has no money, but the activities of the Hoisting Machine Operators Advisory Board have been supported by the Occupational Safety and Health Training and Assistance Fund, which is a special fund that may be used for certification programs to enhance safety and health pursuant to section 396-4(c) (3) (E), Hawaii Revised Statutes. There is no necessity to appropriate general revenues when special fund moneys already set aside may be used for the same purpose.

For the foregoing reason, I am returning Senate Bill No. 2312 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

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

WHEREAS, Senate Bill No. 2312, entitled 'A Bill for an Act Relating to a Hoisting Machine Operators Certification Revolving Fund,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2312 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2312 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 19, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 3201

Honorable Members
Twentieth 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. 3201, entitled 'A Bill for an Act Relating to a Scenic Highways System.'

The purpose of this bill is to encourage the highest quality design to ensure that road and bridge projects adequately meet the State's transportation needs, exist in harmony with their surroundings, and add value to the communities they serve. This bill will require the Director of Transportation to establish on or before June 30, 2003, new design guidelines to govern new construction, reconstruction, resurfacing, restoration, or rehabilitation of bridges, principal and minor arterial roads, collector and local roads, and streets after soliciting and considering the views of elected official and organizations.

Although such design guidelines are desirable, the Director of Transportation already has the statutory authority to develop such design guidelines and does not need the enactment of this bill to establish the guidelines. Consequently, the subject matter could have been addressed in a more expeditious and less costly manner, such as by a concurrent resolution of the Legislature, and enactment of this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 3201 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3201, entitled 'A Bill for an Act Relating to a Scenic Highways System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3201 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3201 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 242, informing the House that on June 19, 2000, he signed the following bills into law:

House Bill No. 1873, HD2, SD1, CD1, as Act 234, entitled: "RELATING TO EDUCATION";

House Bill No. 1874, HD1, SD2, CD1, as Act 235, entitled: "RELATING TO EDUCATIONAL ACCOUNTABILITY";

House Bill No. 2092, SD1, CD1, as Act 236, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2420, SD2, HD2, CD1, as Act 237, entitled: "RELATING TO TECHNOLOGY";

Senate Bill No. 2837, SD1, HD2, CD1, as Act 238, entitled: "RELATING TO EDUCATIONAL ACCOUNTABILITY"; and

Senate Bill No. 3026, SD1, HD1, CD1, as Act 239, entitled: "RELATING TO SCHOOL FACILITIES".

Gov. Msg. No. 243, informing the House that on June 19, 2000, he signed the following bills into law:

House Bill No. 1759, HD2, SD2, CD1, as Act 240, entitled: "RELATING TO TRAFFIC ENFORCEMENT";

House Bill No. 1938, HD1, SD1, CD1, as Act 241, entitled: "RELATING TO REVISED UNIFORM COMMERCIAL CODE ARTICLE 9-SECURED TRANSACTIONS";

House Bill No. 1984, HD1, SD2, CD1, as Act 242, entitled: "RELATING TO ELECTIONS";

House Bill No. 2392, HD2, SD1, CD1, as Act 243, entitled: "RELATING TO HEALTH";

House Bill No. 2484, SD1, CD1, as Act 244, entitled: "RELATING TO CORPORATIONS";

House Bill No. 2539, HD2, SD1, as Act 245, entitled: "RELATING TO THE ENVIRONMENTAL RESPONSE REVOLVING FUND";

House Bill No. 2556, HD1, SD1, CD1, as Act 246, entitled: "RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT";

House Bill No. 2624, HD1, SD1, as Act 247, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 3018, SD1, as Act 248, entitled: "RELATING TO CHILD ABUSE";

Senate Bill No. 2486, SD2, HD2, CD1, as Act 249, entitled: "RELATING TO TAXATION";

Senate Bill No. 2655, SD2, HD2, CD1, as Act 250, entitled: "RELATING TO HEALTH";

Senate Bill No. 2766, SD1, HD1, as Act 251, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

Senate Bill No. 2819, SD1, HD1, CD1, as Act 252, entitled: "RELATING TO INSURANCE";
Senate Bill No. 2859, SD1, HD1, CD1, as Act 253, entitled: "RELATING TO PUBLIC EMPLOYMENT"; and
Senate Bill No. 2927, SD1, as Act 254, entitled: "RELATING TO CHAPTER 92F, UNIFORM INFORMATION PRACTICES ACT (MODIFIED)".

Gov. Msg. No. 244, informing the House that on June 20, 2000, he signed the following bills into law:

House Bill No. 1763, HD2, SD2, CD1, as Act 255, entitled: "RELATING TO BICYCLES";

House Bill No. 1905, HD2, SD1, as Act 256, entitled: "RELATING TO SCHOOL FEES";

House Bill No. 2095, HD2, SD1, as Act 257, entitled: "RELATING TO EDUCATION";

House Bill No. 2802, SD1, CD1, as Act 258, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES";

House Bill No. 2820, HD1, SD1, as Act 259, entitled: "RELATING TO EDUCATION";

House Bill No. 2906, HD1, SD1, as Act 260, entitled: "RELATING TO TOWING COMPANIES";

House Bill No. 3001, HD2, SD1, as Act 261, entitled: "RELATING TO NONCOMMERCIAL PIERS";

Senate Bill No. 2160, SD1, HD1, as Act 262, entitled: "RELATING TO GENERAL EXCISE TAX";

Senate Bill No. 2283, SD1, HD1, CD1, as Act 263, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION";

Senate Bill No. 2293, HD1, as Act 264, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2369, SD1, HD1, as Act 265, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2411, SD1, HD1, CD1, as Act 266, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES";

Senate Bill No. 2432, SD1, HD1, as Act 267, entitled: "RELATING TO A SENTENCING SIMULATION MODEL"

Senate Bill No. 2499, SD1, as Act 268, entitled: "MAKING AN APPROPRIATION TO THE LEGISLATIVE AGENCIES";

Senate Bill No. 2513, SD1, HD1, CD1, as Act 269, entitled: "RELATING TO CONVEYANCE TAX";

Senate Bill No. 2607, SD1, HD3, as Act 270, entitled: "RELATING TO THE COMMISSION ON THE STATUS OF WOMEN";

Senate Bill No. 2716, SD1, HD1, CD1, as Act 271, entitled: "RELATING TO TAXATION";

Senate Bill No. 2808, HD2, as Act 272, entitled: "RELATING TO THE CONSUMER ADVOCATE";

Senate Bill No. 2982, SD1, HD1, CD1, as Act 273, entitled: "RELATING TO CHILD SUPPORT";

Senate Bill No. 3038, SD1, HD1, CD1, as Act 274, entitled: "RELATING TO EDUCATION";

Senate Bill No. 3045, SD1, HD2, CD1, as Act 275, entitled: "RELATING TO THE AUDITOR"; and

Senate Bill No. 3123, SD2, HD2, CD1, as Act 276, entitled: "RELATING TO POST-SECONDARY EDUCATION".

Gov. Msg. No. 245, returning House Bill No. 1900, without his approval and with his statement of objections to certain appropriations as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 22, 2000

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1900

Honorable Members
Twentieth 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. 1900, entitled 'A Bill for an Act Relating to the State Budget.'

The purpose of this bill is to provide supplemental appropriations for the fiscal biennium July 1, 1999, to June 30, 2001, for the operating expenditures of the various agencies in the executive branch of the State, other government programs, and capital improvements projects.

While the bill as a whole has merit, I object to the following appropriations for the reasons indicated:

1. The \$10,636,306 portion of the general fund appropriation for fiscal year 2000-2001 for the school priority fund (EDN 100, page 34), designated in section 4, paragraph (23) on page 70 of the bill. The present appropriation for the school priority fund is \$7,636,306 for fiscal year 1999-2000 and \$7,636,306 for fiscal year 2000-2001. The fund can be maintained at the present appropriation level. I believe the additional moneys should be used for higher priority needs.

2. The \$100,000 portion of the general fund appropriation for economic development, commerce and industry (BED 142 on page 6) designated in legislative work sheets to be a grant to the Honolulu Japanese Chamber of Commerce. While I feel the project is worthwhile, I believe it is important that private

organizations should raise their own funds rather than asking the State to provide funding support.

3. The \$100,000 portion of the general fund appropriation for performing and visual arts events (AGS 881 on page 39) designated in legislative work sheets as a grant to the Hawaiian Chinese Multicultural Museum. While I feel the project is worthwhile, I believe it is important that private organizations should raise their own funds rather than asking the State to provide funding support.

4. The \$200,000 portion of the general fund appropriation for performing and visual arts events (AGS 881 on page 39) designated in legislative work sheets as a grant to the Maui Community Arts and Cultural Center. While I feel the project is worthwhile, I believe it is important that private organizations should raise their own funds rather than asking the State to provide funding support.

5. The \$100,000 portion of the general fund appropriation to the University of Hawaii-Manoa (UOH 100 on page 36) designated in legislative work sheets as a grant to the Hawaii Community Service Council. The Department of Business, Economic Development, and Tourism can already provide most of the support needed for this new economy initiative within existing staffing and funds.

6. Sums for certain capital improvement projects listed in section 5 of House Bill No. 1900 I find to be unnecessary to implement the respective programs or insufficient to complete the projects. With respect to the projects funded under EDN 100, I note that none of these projects were included in the proposed budget considered by the Board of Education and included in the Department of Education's priority projects. These projects are described as follows:

(a) \$5,000,000 in general obligation bond funds for fiscal year 2000-2001 for Palolo water development, Oahu (item A-16F, page 102, lines 12-18) appropriated under item A-19 (LNR 141, page 6). Moreover, I believe that this project is a county function.

(b) \$3,000,000 in revenue bond funds for fiscal year 1999-2000 for a second access road to Wahiawa from Honolulu (page 147, lines 11-14), appropriated under item C-27 (TRN 501, page 14).

(c) \$5,000,000 in revenue bond funds for fiscal year 1999-2000 for a secondary exit for Leeward Community College (page 148, lines 7-12), appropriated under item C-27 (TRN 501, page 14).

(d) \$7,000,000 in revenue bond funds for fiscal year 2000-2001 for a medial strip for Farrington Highway, Oahu (page 156, lines 7-12), appropriated under item C-27 (TRN 501, page 14).

(e) \$300,000 in revenue bond funds for fiscal year 2000-2001 for traffic signals at Honowai Street and Kunia Road, Oahu (page 156, lines 13-17), appropriated under item C-27 (TRN 501, page 14).

(f) \$300,000 in revenue bond funds for fiscal year 2000-2001 for traffic signals at the intersection of Farrington Highway and Waialeale Road (page 156, lines 18-22), appropriated under item C-27 (TRN 501, page 14).

(g) \$225,000 in revenue bond funds for fiscal year 2000-2001 for improvements to Kamehameha Highway in the vicinity of Honomanu Street (page 157, lines 7-11), appropriated under item C-27 (TRN 501, page 14).

(h) \$681,000 in revenue bond funds for fiscal year 2000-2001 for traffic signals in the vicinity of Kapolei Elementary School

(page 158, lines 7-13), appropriated under item C-27 (TRN 501, page 14).

(i) \$1,000,000 in revenue bond funds for fiscal year 2000-2001 for extension of Piilani Highway, Maui (page 169, lines 11-14), appropriated under item C-29 (TRN 531, page 14).

(j) \$420,000 in general obligation bond funds for fiscal year 2000-2001 for portable air conditioners for August Ahrens Elementary School (page 220, lines 7-10), appropriated under item G-1 (EDN 100, page 34).

(k) \$500,000 in general obligation bond funds for fiscal year 2000-2001 for drainage improvements to Ben Parker Elementary School (page 220, lines 12-17), appropriated under item G-1 (EDN 100, page 34).

(l) \$400,000 in general obligation bond funds for fiscal year 2000-2001 for upgrades to electrical wiring for Ben Parker Elementary School (page 220, lines 18-23), appropriated under item G-1 (EDN 100, page 34).

(m) \$430,000 in general obligation bond funds for fiscal year 2000-2001 for renovation at Farrington High School (page 221, lines 18-23), appropriated under item G-1 (EDN 100, page 34).

(n) \$200,000 in general obligation bond funds for fiscal year 2000-2001 for renovation of building G tech center at Highlands Intermediate School (page 222, lines 18-22), appropriated under item G-1 (EDN 100, page 34).

(o) \$440,000 in general obligation bond funds for fiscal year 2000-2001 for renovation of gymnasium at Hilo High School (page 223, lines 7-12), appropriated under item G-1 (EDN 100, page 34).

(p) \$200,000 in general obligation bond funds for fiscal year 2000-2001 for expansion of the cafeteria at Kaimuki High School (page 229, lines 12-16), appropriated under item G-1 (EDN 100, page 34).

(q) \$664,000 in general obligation bond funds for fiscal year 2000-2001 for air conditioning at Kaimuki Intermediate School (page 229, lines 17-21), appropriated under item G-1 (EDN 100, page 34).

(r) \$150,000 in general obligation bond funds for fiscal year 2000-2001 for electrical system upgrades at Kalihi-Kai Elementary School (page 230, lines 7-12), appropriated under item G-1 (EDN 100, page 34).

(s) \$430,000 in general obligation bond funds for fiscal year 2000-2001 for design and construction of an enclosed administration/library building at Kapunahala Elementary School (page 230, lines 13-17), appropriated under item G-1 (EDN 100, page 34).

(t) \$110,000 in general obligation bond funds for fiscal year 2000-2001 for a portable classroom at Kapunahala Elementary School (page 230, lines 18-24), appropriated under item G-1 (EDN 100, page 34).

(u) \$3,411,000 in general obligation bond funds for fiscal year 2000-2001 for replacement of buildings B and C at Kekaha Elementary School, Kauai (page 233, lines 7-11), appropriated under item G-1 (EDN 100, page 34).

(v) \$55,000 in general obligation bond funds for fiscal year 2000-2001 for conversion of library into special education classrooms at Kilauea Elementary School, Kauai (page 233, lines 12-17), appropriated under item G-1 (EDN 100, page 34).

(w) \$150,000 in general obligation bond funds for fiscal year 2000-2001 for design for a new cafeteria at Kilauea Elementary School, Kauai (page 233, lines 18-22), appropriated under item G-1 (EDN 100, page 34).

(x) \$700,000 in general obligation bond funds for fiscal year 1999-2000 for a second floor annex to administration and library building at Kuhio Elementary School (page 236, lines 8-12), appropriated under item G-1 (EDN 100, page 34).

(y) \$250,000 in general obligation bond funds for fiscal year 2000-2001 for electrical system upgrade at Likelike Elementary School (page 238, lines 13-18), appropriated under item G-1 (EDN 100, page 34).

(z) \$70,000 in general obligation bond funds for fiscal year 2000-2001 for reroofing building E at Lincoln Elementary School (page 240, lines 7-12), appropriated under item G-1 (EDN 100, page 34).

(aa) \$75,000 in general obligation bond funds for fiscal year 1999-2000 for improvements to meet fire code requirements at Manoa Elementary School (page 242, lines 13-18), appropriated under item G-1 (EDN 100, page 34).

(bb) \$50,000 in general obligation bond funds for fiscal year 2000-2001 for improvements to recreational multi-purpose facility for use by Manoa Elementary School (page 243, lines 7-13), appropriated under item G-1 (EDN 100, page 34).

(cc) \$250,000 in general obligation bond funds for fiscal year 2000-2001 for expansion of library at Pearl City Elementary School (page 247, lines 7-11), appropriated under item G-1 (EDN 100, page 34).

(dd) \$255,000 in general obligation bond funds in fiscal year 2000-2001 for parking lot improvements at Pearl City Elementary School (page 247, lines 12-16), appropriated under item G-1 (EDN 100, page 34).

(ee) \$400,000 in general obligation bond funds for fiscal year 2000-2001 for a weight training room at Pearl City High School (page 248, lines 13-17), appropriated under item G-1 (EDN 100, page 34).

(ff) \$200,000 in general obligation bond funds for fiscal year 2000-2001 for gymnasium expansion at Roosevelt High School (page 250, lines 7-13), appropriated under item G-1 (EDN 100, page 34).

(gg) \$535,000 in general obligation bond funds for fiscal year 2000-2001 for a band room and related facilities at Roosevelt High School (page 250, lines 14-18), appropriated under item G-1 (EDN 100, page 34).

(hh) \$964,000 in general obligation bond funds for fiscal year 2000-2001 for classroom renovation at Salt Lake Elementary School (page 253, lines 7-11), appropriated under item G-1 (EDN 100, page 34).

(ii) \$29,000 in general obligation bond funds for fiscal year 2000-2001 for completion of local area network at Washington Middle School (page 259, lines 7-12), appropriated under item G-1 (EDN 100, page 34).

(jj) \$661,000 in general obligation bond funds for fiscal year 2000-2001 for improvements to Maunalani Heights subdivision water system (page 311, lines 15-21), appropriated under item K-26 (LNR 101, page 56).

(kk) \$16,500,000 in general obligation bond funds for fiscal year 2000-2001 for a state sports recreational complex on Oahu (page 318, lines 17-25), appropriated under item K-30 (AGS 221, page 57).

(ll) \$250,000 in general obligation bond funds for fiscal year 2000-2001 for plans and design for a state office building and parking structure at Wahiawa Civic Center (page 319, lines 7-11), appropriated under item K-30 (AGS 221, page 57).

(mm) \$2,900,000 in general obligation bond funds for fiscal year 2000-2001 for site acquisition for relocation of Aiea public library (page 319, lines 12-16), appropriated under item K-30 (AGS 221, page 57).

(nn) \$573,000 in general obligation bond funds in general obligation bond funds for fiscal year 2000-2001 for a grant to the Japanese Cultural Center of Hawaii (page 321, lines 14-21) appropriated as item K-41 (SUB 301, page 59). Moreover, I believe that it is important for private organizations to raise their own funds from sources other than the State.

(oo) \$1,000,000 in general obligation bond funds for fiscal year 2000-2001 for a grant to Waipahu Community Foundation Youth and Elderly day care facility (page 322, lines 7-15), appropriated as item K-40 (SUB 201, page 59). Moreover, I believe that it is important for private organizations to raise their own funds from sources other than the State.

(pp) \$500,000 in general obligation bond funds for fiscal year 2000-2001 for a grant to Hawaii Ola Waimanalo (page 322, lines 16-25) appropriated under item K-40 (SUB 201, page 59). While this is just a portion of the cost of the project, I understand that the grantee does not have sufficient funds to complete the project.

(qq) \$600,000 in general obligation bond funds for fiscal year 2000-2001 for a grant in aid for improvements to Kalopa Sand Gulch Road, Hawaii (page 325, lines 12-17), appropriated under item K-41 (SUB 301, page 59). Moreover, this is a county road, and should be a county responsibility.

(rr) \$160,000 of general obligation bond funds for fiscal year 2000-2001 for the Storybook Theatre of Hawaii, Kauai (page 328, lines 14-18), appropriated as item K-43 (SUB 501, page 59). Moreover, I believe that it is important for private organizations to raise their own funds from sources other than the State.

Because of the foregoing objections, I have taken the following actions:

a. Reduced the \$782,927,104 EDN 100 operating item (on page 34) and changed it to \$779,927,104, and reduced the \$10,636,306 to \$7,636,306 at section 4, paragraph (23) of the bill (on page 70).

b. Reduced the \$1,750,914 BED 142 operating item (on page 6) and change it to \$1,700,914.

c. Reduced the \$2,216,651 AGS 881 operating item for fiscal year 2000-2001 (on page 39) and changed it to \$1,916,651.

d. Reduced the \$172,868,693 UOH 100 operating item for fiscal year 2000-2001 (on page 36) and changed it to \$172,793,693.

e. Reduced the \$12,627,000 LNR 141 investment capital item for fiscal year 2000-2001 (on page 6) and changed it to \$7,627,000 and reduced the \$5,000,000 total funding for item A-16F on page 102 to 0.

f. Reduced the \$24,960,000 TRN 501 investment capital item for fiscal year 1999-2000 (on page 14) and changed it to \$16,960,000; reduced the \$35,612,000 TRN 501 investment capital item for fiscal year 2000-2001 (on page 14) and changed it to \$27,106,000, reduced the funding for fiscal year 1999-2000 for item C-80 on page 147 to 0, reduced the funding for fiscal year 1999-2000 for item C-81, on page 148, to 0, and reduced the total funding for each of the following items for fiscal year 2000-2001 to 0:

C-85K	Medial strip, Farrington Highway	156
C-85L	Traffic signals, Honowai St./Kunia Rd.	156
C-85M	Traffic Signals, Farrington Highway/ Waialeale Road	156
C-85N	Improvements to Kamehameha Highway	157
C-85Q	Traffic signals - Kapolei Elementary School vicinity	158

g. Reduced the \$4,690,000 TRN 531 investment capital item for fiscal year 2000-2001 (on page 14) and changed it to \$3,690,000, and reduced the total funding for item C-100C, extension of Piilani Highway, on page 169, to 0.

h. Reduced the \$11,584,000 EDN 100 investment capital item for fiscal year 1999-2000 (on page 34) and changed it to \$10,509,000, reduced the \$22,568,000 EDN 100 investment capital item for fiscal year 2000-2001 (on page 34) and changed it to \$12,005,000, and reduced the total funding for each of the following items to 0:

It	Item	Description	Page
	G-28-A	August Ahrens portable air conditioners	220
G	G-28B	Ben Parker Elementary School drainage	220
G	G-28C	Ben Parker Elementary School electrical wiring	220
	G-29A	Farrington High School renovation	221
	G-30A	Highlands Intermediate School renovation	222
	G-30B	Hilo High School gymnasium renovation	223
	G-40A	Kaimuki High School cafeteria expansion	229
	G-40B	Kaimuki Intermediate School air conditioning	229
	G-40C	Kalihi-Kai Elementary School electrical upgrades	230
	G-40D	Kapunahala Elementary School enclosed administration/library	230
	G-40E	Kapunahala Elementary School portable classroom	230
	G-43A	Kekaha Elementary School replacement of Buildings B and C	233
	G-43B	Kilauea Elementary School, Kauai, convert library to special education classrooms	233
	G-43C	Kilauea Elementary School, Kauai, design new cafeteria	233
	G-46	Kuhio Elementary School second floor annex	236
	G-48A	Likelike Elementary School electrical upgrades	238
	G-49A	Lincoln Elementary School reroofing	240
	G-52	Manoa Elementary School various improvements	242

G-52A	Manoa Elementary School improvements to recreational multi-purpose facility	243
G-57A	Pearl City Elementary School library expansion	247
G-57B	Pearl City Elementary School parking lot Improvements	247
G-58A	Pearl City High School weight training room	248
G-60	Roosevelt High School gymnasium expansion	250
G-60A	Roosevelt High School band room	250
G-62A	Salt Lake Elementary School classroom renovation	253
G-68A	Washington Middle School local area network completion	259

i. Reduced the \$661,000 LNR 101 investment capital item for fiscal year 2000-2001 (on page 56) and changed it to \$0, and reduced the total funding for item K-11A, Maunalani Heights subdivision water system on page 311, to 0.

j. Reduced the \$28,077,000 AGS 221 investment capital item for fiscal year 2000-2001 (on page 57) and changed it to \$13,427,000, and reduced the following: the total funding for item K-22A, state sports recreational complex, on page 318, to \$5,000,000, and the total funding for item K-22B, Wahiawa Civic Center, on page 319, to 0, and the total funding for item K-22C, Aiea Public Library relocation, on page 319, to 0.

k. Reduced the \$6,373,000 SUB 201 investment capital item for fiscal year 2000-2001 (on page 59) and changed it to \$3,586,000, and reduced the following: the total funding for item K-24A, grant to Japanese Cultural Center of Hawaii, on page 321, to \$286,000; the total funding for item K-24B, Waipahu Community Foundation Youth and Elderly Day Care Facility, on page 322, to 0; and the total funding for item K-24C, grant to Hawaii Ola Waimanalo, on page 322, to 0.

l. Reduced the \$1,933,000 SUB 301 investment capital item for fiscal year 2000-2001 (on page 59) and changed it to \$1,333,000, and reduced the total funding for item K-27B on page 325, grant for improvements to Kalopa Sand Gulch Road, to 0.

m. Reduced the \$855,000 SUB 501 investment capital item for fiscal year 2000-2001 (on page 59) and changed it to \$605,000 and reduced the total funding for item K-30B on page 328, grant to Storybook Theatre of Hawaii, to 0.

For the foregoing reasons, I am, returning House Bill No. 1900 with the reductions set forth above totaling \$9,075,000 for fiscal year 1999-2000 for capital improvement projects, totaling \$3,425,000 for fiscal year 2000-2001 for operating programs, and totaling \$44,017,000 for fiscal year 2000-2001 for capital improvement projects.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
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 his 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. 1900, 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, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, House Bill No. 1900 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1900 with my objections to certain appropriation items contained therein, 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 22nd day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 246, informing the House that on June 22, 2000, he signed the following bills into law:

House Bill No. 1947, HD2, SD2, CD1, as Act 277, entitled: "RELATING TO FISHERIES";

Senate Bill No. 2134, SD1, HD2, CD1, as Act 278, entitled: "RELATING TO AGRICULTURE AND ANIMALS"; and

Senate Bill No. 2873, SD1, HD2, CD1, as Act 279, entitled: "RELATING TO HAWAII HEALTH SYSTEMS CORPORATION".

Gov. Msg. No. 247, informing the House that on June 22, 2000, he signed the following bill into law:

House Bill No. 749, HD3, SD2, CD1, as Act 280, entitled: "RELATING TO DIETITIANS".

Gov. Msg. No. 248, transmitting copies of the 1998-1999 Annual Report, prepared by the Hawaii Labor Relations Board in accordance with Section 89-5, Hawaii Revised Statutes.

Gov. Msg. No. 249, informing the House that on June 23, 2000, he signed the following bill into law:

House Bill No. 1900, HD 1, SD 1, CD 1, as Act 281, entitled: "RELATING TO THE STATE BUDGET".

Gov. Msg. No. 250, transmitting Senate Bill No. 2061 without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 22, 2000

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2061

Honorable Members
Twentieth 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. 2061, entitled 'A Bill for an Act Relating to Public Officers and Employees and Employment Practices.'

The purpose of this bill is to provide for the review of civil service positions and pay to develop recommendations for corrective measures to eliminate gender-based pay inequities. This bill will require the State Director of Human Resources Development to make and retain records to ascertain the existence of any discrimination in the wages paid to men and women for the same or equivalent jobs. This bill will also establish a temporary pay equity task force in the Office of the Governor to review, beginning in fiscal year 2001-2002, the reports of the Director of Human Resources Development and past wage equity and job evaluation studies and to develop recommendations to the Legislature for funds and specific actions needed to correct and gender-based pay inequities discovered.

I agree with the purpose of this bill, but I believe that the enactment of this bill is unnecessary because the purpose of this bill can be achieved administratively without the enactment of additional law. As the Governor of Hawaii, I can and will direct the Director of Human Resources Development to make and retain records to ascertain the existence of any discrimination in the wages paid to men and women for the same or equivalent jobs. Moreover, pursuant to section 26-41, Hawaii Revised Statutes, I may establish a temporary board to gather information or furnish advice for the executive branch and I intent to use that authority to establish a temporary board that will perform the review and provide the advice that this bill requires of the pay equity task force beginning in fiscal year 2001-2001.

For the foregoing reasons, I am transmitting Senate Bill No. 2061 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

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

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

WHEREAS, Senate Bill No. 2061, entitled 'A Bill for an Act Relating to Public Officers and Employees and Employment Practices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2061 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of

Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2061 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 22nd day of June, 2000.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 251, informing the House that on June 28, 2000, he signed the following bills into law:

House Bill No. 2585, HD1, SD1, CD1, as Act 282, entitled: "RELATING TO THE UNIFORM ELECTRONIC TRANSACTIONS ACT";

Senate Bill No. 2121, SD1, HD1, CD1, as Act 283, entitled: "RELATING TO OBSOLETE LAWS"; and

Senate Bill No. 2924, SD1, HD1, as Act 284, entitled: "RELATING TO OPEN MEETINGS".

Gov. Msg. No. 252, informing the House that on June 30, 2000, he signed the following bills into law:

House Bill No. 37, HD1, SD2, CD1, as Act 285, entitled: "RELATING TO FILM PRODUCTION FUNDING";

House Bill No. 139, HD1, SD2, CD1, as Act 286, entitled: "RELATING TO FEDERAL CONSTRUCTION";

House Bill No. 2151, HD1, SD1, CD1, as Act 287, entitled: "RELATING TO STATE BONDS";

Senate Bill No. 2186, SD2, HD2, CD1, as Act 288, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2221, SD1, HD2, CD1, as Act 289, entitled: "RELATING TO ETHANOL";

Senate Bill No. 2419, SD1, HD1, as Act 290, entitled: "RELATING TO CAPITAL ACCESS PROGRAM";

Senate Bill No. 2467, SD2, HD1, CD1, as Act 291, entitled: "RELATING TO UNLICENSED CONTRACTORS"; and

Senate Bill No. 2838, SD1, HD1, CD1, as Act 292, entitled: "RELATING TO THE STATE INTERNET PORTAL".

Gov. Msg. No. 253, informing the House that on July 3, 2000, he signed the following bills into law:

House Bill No. 286, HD2, SD2, as Act 293, entitled: "RELATING TO SPEEDING";

Senate Bill No. 2311, SD1, HD1, as Act 294, entitled: "RELATING TO MANDATORY USE OF SEATBELTS";

Senate Bill No. 2863, SD1, HD2, CD1, as Act 295, entitled: "RELATING TO ADVANCE HEALTH-CARE DIRECTIVES"; and

Senate Bill No. 3073, SD2, HD1, CD1, as Act 296 entitled: "RELATING TO IMPAIRED DRIVING".

Gov. Msg. No. 254, informing the House that on July 5, 2000, he signed the following bill into law:

House Bill No. 2901, HD2, SD2, CD1, as Act 297, entitled: "RELATING TO THE NEW ECONOMY".

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

Misc. Comm. No. 16, from the Honorable Don Seigelman, Governor, State of Alabama, acknowledging receipt of House Concurrent Resolution 27, Regular Session of 2000.

Misc. Comm. No. 17, from the Honorable James B. Hunt, Jr., Governor, State of North Carolina, acknowledging receipt of House Concurrent Resolution 27, SD 1, Regular Session of 2000, which was adopted on April 26, 2000 concerning the commemoration of the centennial anniversary of the passage of the Organic Act.

Misc. Comm. No. 18, from the Honorable James Y. Arakaki, Chairman, Hawaii County Council acknowledging receipt of House Concurrent Resolution No. 24, Regular Session of 2000.

Misc. Comm. No. 19, from Mr. William H. McGahay, Director of State and Local Government Affairs, State of New York, acknowledging receipt of House Concurrent Resolution No. 27, SD 1, Regular Session of 2000, which was adopted on April 26, 2000.

Misc. Comm. No. 20, from Ms. Kelly Davids, Director of Public Inquiries, State of Ohio, confirming receipt by the Governor's Office of House Concurrent Resolution No. 27, SD 1, Regular Session of 2000, passed by the State of Hawaii on April 26, 2000 regarding the Organic Act.

Misc. Comm. No. 21, from R. Michael Laurs, Director, Honolulu Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, thanking the House of Representatives for providing the Laboratory with a copy of House Resolution 91 concerning the Hawaiian monk Seal and the Northwestern Hawaiian Islands lobster fishery.

Misc. Comm. No. 22, from the Honorable George W. Bush, Governor, State of Texas, acknowledging receipt of House Concurrent Resolution 27, SD 1, adopted by the Hawaii Legislature during the 2000 Regular Session.

Misc. Comm. No. 23, from the Honorable Fran Ulmer, Lieutenant Governor, State of Alaska, transmitting a copy of CS HJR 48 (RLS): Relating to the Free Flow of People and the Fair Trade of Goods and Services Across the Border Between the United States and Canada, in accordance with Uniform Rule 49(b) of the Alaska State Legislature.

Misc. Comm. No. 24, from the Honorable Charles A. Rodriguez, President, Senate of Puerto Rico, thanking the House of Representatives of the State of Hawaii for their initiative to adopt House Resolution No 70, HD 1 to urge the U.S. Navy to relocate from the Island of Vieques and to return the land to the island municipality.

Misc. Comm. No. 25, from David E. Graham, Colonel, U.S. Army Chief, International and Operational Law Division, Office of the Judge Advocate General, Department of the Army, responding and acknowledging receipt of a letter, dated May 9, 2000, to the Secretary of Defense concerning the transmittal of a copy of a Resolution, adopted by the House of Representatives and the Senate of the Twentieth Legislature of the State of Hawaii, which calls for certain actions to be taken by the U.S. Government in connection with the citizens of the Republic of the Marshall Islands.

Misc. Comm. No. 26, from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. NO. 40, HD 1, REQUESTING THE SECRETARY OF VETERANS AFFAIRS AND CONGRESSIONAL LEADERS TO WORK TOWARD ALLOWING FILIPINO-AMERICAN

VETERANS TO BE INTERRED IN NATIONAL OR STATE VETERANS CEMETERIES, and expressing the Hawaii Congressional Delegation's full support of this veterans status for our Filipino WWII soldiers.

Misc. Comm. No. 27, from the Honorable Patsy T. Mink, United States Representative, thanking the Hawaii House of Representatives for sending copies of House Resolutions 65, HD 1; 69, HD 1; 111, HD 1 and 49, which were passed during the Twentieth Legislature, Regular Session of 2000.

Misc. Comm. No. 28, from Ms. Josephine Puletasi, Special Assistant to United States Senator Daniel K. Inouye, thanking the Hawaii House of Representatives for providing Senator Inouye with a certified copy of House Resolution No. 123 of the Twentieth Legislature of the State of Hawaii requesting the Congress to pass S. 1052, which related to the Commonwealth of the Northern Mariana Islands Covenant Implementation Act.

Misc. Comm. No. 29, from the Honorable Patsy T. Mink, United States House of Representatives, writing to report receipt of House Resolution No. 70, "Urging the United States Navy to Relocate from the Island of Vieques, Puerto Rico and return the land to the municipality of Vieques for Civilian purposes".

Misc. Comm. No. 30, from Dr. Nafsiah Mboi, Director of the Department of Women's Health, World Health Organization, thanking the Hawaii House of Representatives for providing a copy of House Concurrent Resolution No. 47, on Female Genital Mutilation.

Misc. Comm. No. 31, from the Honorable Maryanne W. Kusaka, Mayor, County of Kauai, in response to House Resolution No. 55, encouraging the counties to adopt standards for residential building in their energy code and apply these standards to all new residential real property.

Misc. Comm. No. 32, from Mr. Reginald S. Velasco, Assistant Secretary, Office of the President of the Philippines, transmitting a copy of a letter to the Honorable Antonio H. Cerilles, Secretary of the Department of Environment and Natural Resources, Philippines, in response to House Resolution No. 124, HD2, urging the United States government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States military installations in the Philippines.

Misc. Comm. No. 33, from Mr. Reginald S. Velasco, Assistant Secretary, Office of the President of the Philippines, transmitting a copy of a letter to the Honorable Rogelio L. Singson, Chairman of the Bases Conversion Development Authority, Philippines, in response to House Resolution No. 124, HD2, urging the United States government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States military installations in the Philippines.

Misc. Comm. No. 34, from Mr. Reginald S. Velasco, Secretary, Office of the President Philippines, transmitting a copy of a letter to the Honorable Domingo L. Siazon, Jr., Secretary, Department of Foreign Affairs of Philippines, in response to House Resolution No. 124, HD2, urging the United States government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States military installations in the Philippines.

Misc. Comm. No. 35, from Mr. Gregory M. Gray, Clerk of the House of Delegates, West Virginia Legislature, transmitting a copy of House Concurrent Resolution No. 32, urging the passage of national legislation to increase benefits to surviving spouses under the Railroad Retirement Act of 1974.

Misc. Comm. No. 36, from Ms. Carmen Dayrit-Padilla, Chief of Staff, Office of the Senate President, Republic of the Philippines, acknowledging receipt of House Resolution No. 124, HD2, urging the United States Government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States military installations in the Philippines.

Misc. Comm. No. 37, from the Honorable Eudaldo Baez Galib, Senator, Commonwealth of Puerto Rico, informing the Hawaii House of Representatives that on June 1, 2000, the Senate of the Commonwealth of Puerto Rico approved a motion to congratulate the Hawaii House of Representatives for its significant and important gesture for the residents of Vieques.

Misc. Comm. No. 38, from Mr. A. Robert Walsh, Legislative Counsel, Office of Public and Congressional Affairs, U.S. Department of Justice, Federal Bureau of Investigation acknowledging receipt by Attorney General Reno of House Resolution No. 65, HD 1, and House Concurrent Resolution No. 74, HD 1, concerning missing child Peter Kema, Jr., which she referred to the FBI for response.