

HOW TO RESEARCH CONSTITUTIONAL, LEGISLATIVE, AND STATUTORY HISTORY IN HAWAII

THIRD EDITION

RICHARD F. KAHLE, JR.

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FOREWORD

The materials in this third edition of the *How to Research Constitutional, Legislative, and Statutory History in Hawaii* manual are quite similar to the first edition. It was felt that changing the use of 1983 and 1984 Legislative Journal materials was not necessary. Unfortunately, for those who are computer-minded, it will be some time before the current Legislative Journals are computer searchable and even longer for the older Journals. For that reason few of the samples were changed.

References to the legislative computer system were deleted and changed to the capitol website. The most often used Session Law references found in statutory source notes and the word changes made in the statute, otherwise known as "shortcuts" were updated. Finally, a new chapter was added to discuss the repeal and reenactment process and how to find temporary session law materials. A copy of this manual, and any updates, may be found online at www.state.hi.us/lrb/reports.

The Bureau wishes to express its sincere appreciation to Richard F. Kahle, Jr., the author of the manual, for his tireless efforts and his expertise in preparing this update.

Wendell K. Kimura
Acting Director

July 2001

TABLE OF CONTENTS

	<i>Page</i>
FOREWORD	<i>iii</i>
1. INTRODUCTION	1
How a Bill Becomes Law.....	1
Following a Bill During the Legislative Session.....	3
2. RESEARCHING THE LEGISLATIVE HISTORY OF STATUTES	9
Walking Through an Actual Search.....	11
Other Searches Which May be Performed.....	16
1983 and 1984 House of Representatives and Senate Journal Examples	19
3. SHORTCUTS IN LEGISLATIVE RESEARCH	60
4. REPEALS AND REENACTMENTS, TEMPORARY SESSION LAW MATERIAL	66
Part I. Repeals and Reenactments (R&Rs).....	66
Introduction.....	66
R&R Chains; Notations in Statutes.....	66
Exceptions from R&Rs	68
Impact of R&Rs	70
Part II. Temporary Session Law Material.....	70
5. SESSION LAWS, USEFUL TABLES, AND CODIFICATIONS	72
Part I. Session Laws.....	72
Part II. Useful Tables	73
Part III. The Codification Process.....	77
6. CONSTITUTIONAL CONVENTION PROCEEDING DOCUMENTS	78
CHARTS	
How a Bill Becomes Law in Hawaii.....	8
How the Legislative History of a Statute is Researched.....	18

APPENDICES

	<i>Page</i>
A. Abbreviations and Symbols	80
B. Laws of the Territory of Hawaii, Regular Session of 1935	82
C. 1935 Senate Journal.....	84
D. Index Samples	
1963 Subject Index.....	87
Final Cumulative Index of Bills and Resolutions 1971	89
Final Status of Bills and Resolutions 1971	90
Final Cumulative Index of Bills and Resolutions 1977	92
Final Status of Senate Bills and Resolutions 1977.....	93
E. Session Laws of Hawaii 1943	94
F. Session Laws of Hawaii 1963	95
G. 1981 Digest and Index of Laws Enacted.....	96
H. House Bill No. 2203-84	98
I. Act 124, Session Laws of Hawaii 1984	100
J. Manuscript for 1984 Supplement to Hawaii Revised Statutes.....	101
K. 1984 Supplement to Hawaii Revised Statutes.....	103

Chapter 1

INTRODUCTION

The reader may ask why is constitutional, legislative, or statutory research important. For many years the Hawaii Supreme Court said it would look at legislative history only when statutory language was not clear. The court said that “[t]he general rule is that if the words used in a constitutional [or statutory] provision . . . are clear and unambiguous, they are to be construed as they are written.”¹ But what might have been clear to someone reading a statute, in many cases was not clear to the court, and the court did in fact consult legislative history. Finally, in *Kaiama v. Aguilar*, 67 H. 549, 554, 696 P.2d 839 (1985), the court said:

But we have rejected an approach to statutory [interpretation] which limits us to the words of a statute, no matter how clear they may appear upon perfunctory review. For we recognize “our primary duty [in interpreting statutes] is to ascertain the intention of the legislature and to implement that intention to the fullest degree,”; and where “there is . . . material evidencing legislative purpose and intent, there is no reason for a court to seek refuge in ‘strict construction,’ ‘plain meaning,’ or ‘the popular sense of the words.’” (citations omitted) (See *also Sato v. Tawata*, 79 H. 14, 17, 897 P.2d 941 (1995); *Keliipuleole v. Wilson*, 85 H. 217, 221, 941 P.2d 300 (1997); *In re Water Use Permit Applications*, 94 H. 97, 144, 9 P.3d 512 (2000).)

Legislative research means the research of legislative histories to sections found in the *Hawaii Revised Statutes*, Acts found in the Session Laws of Hawaii, bills introduced into the legislature but not passed, and resolutions. Statutory research includes legislative research and in addition is the tracking of the history of a statute from the date a bill proposing the statute was introduced in the legislature, through its various amendments, to its present wording. In order to perform such research, there must be an understanding of Hawaii’s legislative system.

How a Bill Becomes Law

The state constitution gives the legislature the power to make laws. Hawaii’s legislature is composed of two houses--a Senate with twenty-five members and a House of Representatives with fifty-one members. When these two houses work together over a period of sixty legislative days, they produce laws and adopt resolutions asking agencies to perform certain tasks and to report back to the legislature on the work done at some future time, usually the next, legislative session.

¹*Hawaii Government Employees' Association v. County of Maui*, 59 Haw. 65, 76 (1978), quoting *Spears v. Honda*, 51 Haw. 1, 6 reh. denied 51 Haw. 103 (1968). See *also State v. Palama*, 62 Haw. 159, 161-162 (1980); *In re Palk*, 56 Haw. 492, 497 (1975); and *Twentieth Century Furniture, Inc. v. Labor and Industrial Relations Appeal Board*, 52 Haw. 577, 579-580 (1971).

The first step in producing a law is the drafting of a bill. Bills are prepared by the executive branch of government, the various counties, the Senate and House majority and minority research and attorney's offices, the Legislative Reference Bureau, various lobbying organizations, and others. A bill contains the idea for a law and may be as short as one page or be 200 plus pages in length. Once drafted it is introduced by a legislator. It takes three readings, on separate days in each house, with a forty-eight-hour layover period before the third or final reading before a bill is passed by the legislature.

The Hawaii legislative system relies on a committee process. That is, the respective subject matter standing committees of each house are the entities that do the detail work in considering the fate of a bill. The number of standing committees in each house will vary depending on each house's organization. Bills are assigned by subject to one or more appropriate committees by the President of the Senate and the Speaker of the House of Representatives. The committees will hold hearings, take public input, ask questions on matters before them, and make their decisions. The result of their work, particularly if favorable action is recommended, is evidenced by a standing committee report issued by the committee.

This committee report is a formal recommendation by a committee to the presiding officer of the respective houses as to what should be done on a particular matter, generally a piece of legislation or a resolution, before a house. This recommendation is adopted by a formal vote of a majority of the members of a house.

Given three readings in both the Senate and the House of Representatives, by a majority vote of the members to which each house is entitled on the same bill, the bill is then considered passed by the legislature.

If one house amends a bill and the originating house disagrees with the second house's amendment, the bill may be sent to a conference committee. A conference committee is composed of members of both houses, appointed by the respective presiding officer, who work out the differences between the houses. Once the differences have been resolved, then the bill is reported out of conference by a conference committee report for final reading after a forty-eight-hour layover in each house. The conference committee reports for both houses and the drafts of the bill are identical.

A bill which has passed the legislature is then transmitted to the governor for action. If a bill fails to pass in a legislative session in an odd-numbered year, it will carry over to a session in an even-numbered year. This has been true since 1969. Before 1969, bills did not carry over to a second year.

If a bill is transmitted to the governor ten or more days before the end of session, the governor has ten days to act on it. If a bill is transmitted less than ten working days before the adjournment of session, the governor has forty-five working days to consider the bill. If the governor in considering the bill neither signs it nor vetoes it, the bill becomes law within ten or forty-five days, as the case may be.

Other than for appropriations to the legislative or judicial branches of government, the governor may item veto or reduce sums of money in appropriation bills. All other bills must be vetoed as a whole. This includes bills providing for legislative and judicial appropriations.

If the governor is going to veto a bill, the governor must transmit a veto message to the legislature, within ten days after receiving the bill, if received ten days or more before the end of session, and ten days before the forty-five-day consideration period runs if the governor received the bill less than ten days before the end of session.

The legislature can override the governor's veto by a two-thirds vote of each house. For a bill subject to the forty-five-day consideration period, the legislature can also amend the bill to meet the governor's objections, pass it on one reading and present it again to the governor, who must sign it for the bill to become law. The legislature does this in special session on the forty-fifth day following the end of the regular session as provided in the state constitution.²

Following a Bill During the Legislative Session

In order to follow a bill through the legislative process, the Hawaii Legislature operates the Hawaii State Legislature Website accessible through the Internet (<http://www.captiol.hawaii.gov>). This system provides the text and status of a bill and the *Hawaii Revised Statutes*. Individuals may also use the Legislative Reference Bureau's Public Access Room and the Bureau's library, both in the State Capitol to request information concerning a particular bill. Reviewing the status (committee referrals and number of reading) of a bill enables the researcher to determine the bill's progress through the legislative process. An example of the status of House Bill No. 599 introduced in 2001 follows.

If the number of a particular bill is unknown but the researcher is interested in a bill on nonprofit corporations, a search could be made for all bills concerning nonprofit corporations and House Bill No. 599 would be found. The information provided consists of all major actions and votes that occur on a bill from the day it is introduced to the day the governor signs the bill into law. Each reading, legislative action, and vote is shown. Each committee report such as Stand. Com. Rep. No. 540, which means House Standing Committee Report No. 540, is also shown. Copies of the committee reports and drafts to the bill could have been obtained from the House or Senate print shops during the legislative session. In addition, a copy of the bill can be printed from the Internet source. After a two-year legislature is over copies of bills may be reviewed in the Legislative Reference Bureau Library or the Archives.

²For further information on the legislative process, see Jean Kadooka Mardfin, *Hawaii Legislators' Handbook*, Legislative Reference Bureau, 1997 ed. (Honolulu: 1997).

Hawaii State Legislature

2001 Regular Session Bill Status

HB599 HD1 SD1 CD1

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Measure Title: RELATING TO NONPROFIT CORPORATIONS.

Report Title: Corporations; Nonprofits

Description: Enacts nonprofit corporations law consistent with Model Nonprofit Corporations Act, effective July 1, 2002. Allows mutual benefit societies to incorporate as nonprofits. (HB599 CD1)

Package: Gov

Companion: SB1075

Introducer(s): SAY (BR)

Current Referral: CPH/JDC

Date	H	Status Text
1/23/01	H	Introduced
1/25/01	H	Pass First Reading
1/26/01	H	Referred to the committees on CPC/JHA, and then referred to the committee on FIN, referral sheet 4.
2/1/01	H	Bill scheduled to be heard by CPC/JHA on Wednesday, 02-07-01 at 2:00 PM in House conference room 325.
2/7/01	H	The committee(s) recommends that the measure be deferred until 02-09-01.
2/12/01	H	The committee on CPC recommends that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 11 Ayes: Rep.(s) Hiraki, Chang, Ahu Isa, Morita, B. Oshiro, Souki, Gomes, Jaffe, Marumoto, Meyer, Whalen; Ayes with reservations: None; 0 Noes: None; and 3 Excused: Rep.(s) Case, Kanoho, Yoshinaga.
2/12/01	H	The committee on JHA recommends that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 10 Ayes: Rep.(s) Hamakawa, B. Oshiro, Ahu Isa, Chang, Morita, Souki, Auwae, Gomes, Marumoto, Whalen; Ayes with reservations: None; 0 Noes: None; and 4 Excused: Rep.(s) Case, Kanoho, Yoshinaga, Thielen.
2/16/01	H	Reported from the committee on CPC/JHA (Stand. Com. Rep. No. 540) as amended in (HD 1), recommending passage on Second Reading and referral to the committee on FIN.
2/20/01	H	Passed Second Reading as amended in (HD 1) and referred to the committee(s) on FIN with None voting no and Rep.(s) Case, Whalen excused.
2/20/01	H	Bill scheduled to be heard by FIN on Thursday, 02-22-01 at 1:45 PM House conference room 308.

2/22/01	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 9 Ayes: Rep.(s) Takamine, Kawakami, Cabrerros, Espero, Magaoay, Nakasone, Saiki, Suzuki, Yonamine; Ayes with reservations: None; 0 Noes: None; and 5 Excused: Rep.(s) Davis, Djou, Leong, Moses, Rath.
3/1/01	H	Reported from the committee on FIN (Stand. Com. Rep. No. 616), recommending passage on Third Reading.
3/1/01	H	Passed Third Reading as amended in (HD 1) with None voting no and Rep.(s) Bukoski, Schatz, Takumi, Whalen excused.
3/2/01	H	Transmitted to Senate.
3/6/01	S	Received from House (Hse. Com. No. 60).
3/6/01	S	Passed First Reading.
3/8/01	S	Referred to CPH, JDC.
3/13/01	S	Re-Referred to CPH/JDC.
3/28/01	S	Bill scheduled to be heard by CPH/JDC on 04-03-01 at 9:00 a.m in conference room 016.
4/3/01	S	The committee(s) on CPH/JDC recommend(s) that the measure be PASSED, WITH AMENDMENTS.
4/3/01	S	The votes in CPH were as follows: 4 Aye(s): Senator(s) Menor, Matsunaga, Chumbley, Hogue; Aye(s) with reservations: None; 0 No(es): None; and 3 Excused: Senator(s) English, Kim, Tam.
4/3/01	S	The votes in JDC were as follows: 6 Aye(s): Senator(s) Kanno, Matsuura, Chun, Hanabusa, Kokubun, Slom; Aye(s) with reservations: None; 0 No(es): None; and 3 Excused: Senator(s) Fukunaga, Ihara, Nakata.
4/6/01	S	Reported from CPH/JDC (Stand. Com. Rep. No. 1500) with recommendation of passage on Second Reading, as amended (SD 1) and placement on the calendar for Third Reading. Report adopted; Passed Second Reading, as amended (SD 1).
4/6/01	S	48 Hrs. Notice 04-10-01.
4/10/01	S	Passed Third Reading, as amended (SD 1). Ayes, 25. Noes, none. Excused, none. Transmitted to House.
4/10/01	H	Returned from Senate (Sen. Com. No. 589) in amended form (SD 1).
4/12/01	H	House disagrees with Senate amendment (s).
4/12/01	S	Received notice of disagreement (Hse. Com. No. 564).
4/16/01	H	House conferees appointed: Rep.(s) Hiraki, B. Oshiro, Suzuki Co-Chairs; Rep.(s) Souki, Rath, Whalen.
4/16/01	S	Senate Conferees appointed: Senator(s) Menor, Chair; Senator(s) Kanno, Co-Chair(s); Senator (s) Matsunaga, Hogue.
4/16/01	H	Received notice of Senate conferees (Sen. Com. No. 727).
4/18/01	S	Received notice of appointment of House conferees (Hse. Com. No. 600).
4/19/01	H	Bill scheduled for Conference Committee Meeting on Friday, 04-20-01 at 1:30 PM in conference room 016.
4/26/01	H	The Conference Committee recommends that the measure be Passed, with Amendments. The votes were as follows: 6 Ayes: Rep.(s) Hiraki, B. Oshiro, Suzuki, Souki, Rath, Whalen; Ayes with reservations: None 0 Noes: None; and 0 Excused: None.

4/26/01	S	The votes of the Senate Conference Managers were as follows: 3 Aye(s): Senator(s) Menor, Kanno, Hogue; Aye(s) with reservations: None; 0 No(es): None; and 1 Excused: Senator(s) Matsunaga.
4/26/01	H	Reported from Conference Committee (Conf Com. Rep. No. 92) as amended in (CD 1).
4/26/01	H	Forty-eight (48) hours notice Tuesday, 05-01-01.
4/26/01	S	Reported from Conf. Com. as amended CD 1 (Conf. Com. Rep. No. 92).
4/26/01	S	48 Hrs. Notice 05-01-01.
5/1/01	S	Passed Final Reading, as amended (CD 1). Ayes, 25. Noes, 0 (None) Excused, 0 (None).
5/1/01	H	Passed Final Reading as amended in (CD 1)with None voting no and Rep.(s) Saiki, Schatz, Whalen excused.
5/3/01	S	Received notice of passage on Final Reading in House (Hse. Com. No. 674).
5/2/01	H	Transmitted to Governor.
5/2/01	H	Received notice of Final Reading (Sen. Com. No. 797).
5/22/01	S	Act 105, 05-18-2001 (Gov. Msg. No. 332).
5/22/01	H	Act 105, on 05-18-2001 (Gov. Msg. No. 215).

\$ = Appropriation measure

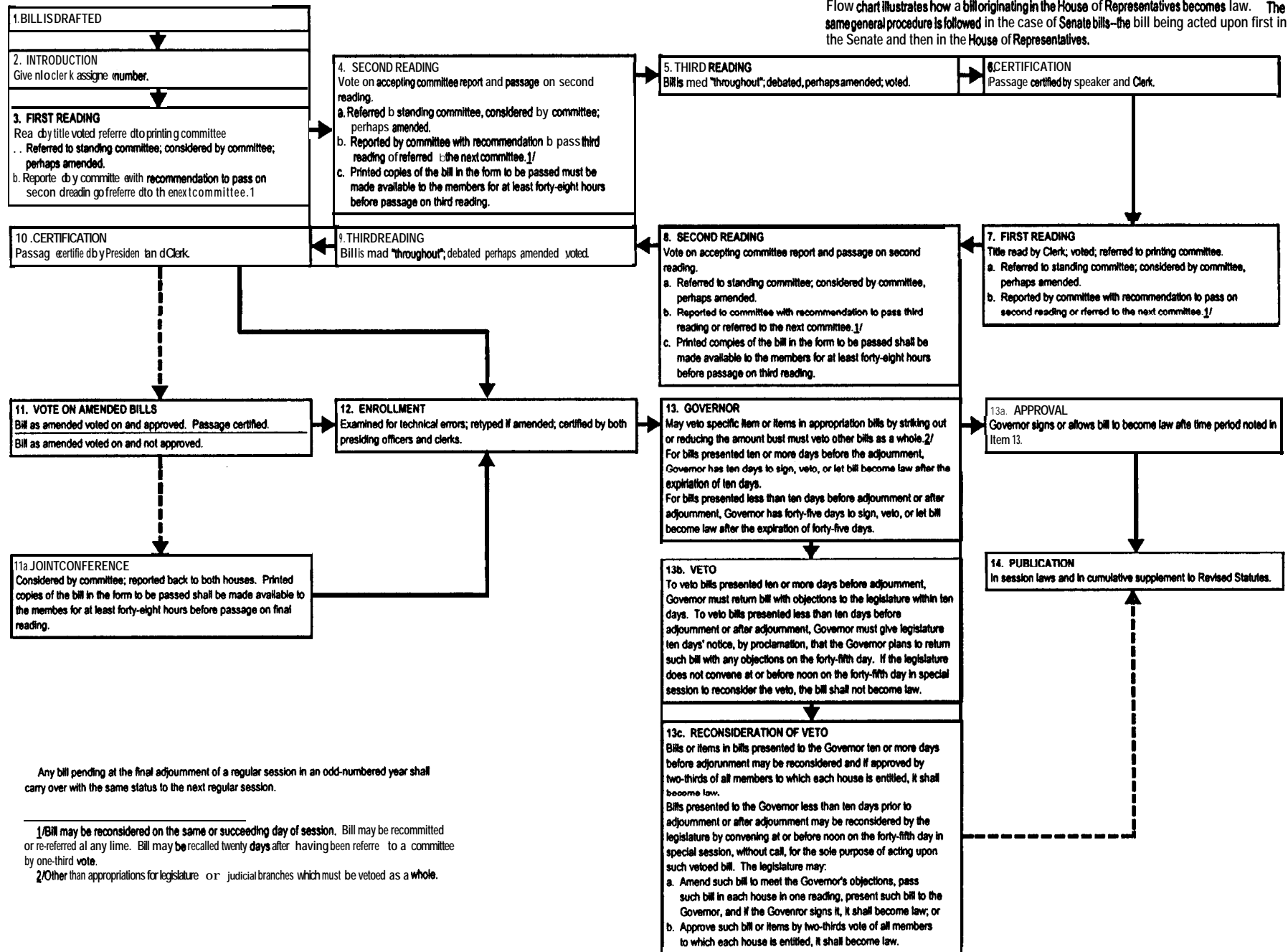
ConAm = Constitutional Amendment

INTRODUCTION

The Legislative Reference Bureau's Public Access Room is open year-round to assist researchers. The Legislative Reference Bureau Library, the Supreme Court Law Library, the Department of Business, Economic Development, and Tourism's Business Resource Center, and the Municipal Reference and Records Center will also assist a researcher. All, have a wide range of resources available for conducting research in greater breadth as well as depth.

HOW A BILL BECOMES LAW IN HAWAII

Flow chart illustrates how a bill originating in the House of Representatives becomes law. The same general procedure is followed in the case of Senate bills—the bill being acted upon first in the Senate and then in the House of Representatives.



Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session.

1/Bill may be reconsidered on the same or succeeding day of session. Bill may be recommitted or re-referred at any time. Bill may be recalled twenty days after having been referred to a committee by one-third vote.

2/Other than appropriations for legislature or judicial branches which must be vetoed as a whole.

Chapter 2

RESEARCHING THE LEGISLATIVE HISTORY OF STATUTES

Researching past legislative history is the primary focus of this chapter. In performing this research a person must be able to go to the *Hawaii Revised Statutes* and be able to find the amendatory acts to a particular section so that the history of these acts--committee reports, floor speeches, and discussions concerning the passage of a bill which became an act--may be read to determine if they assist the researcher in understanding the intent of the legislature in passing such an act. Section 321-11, *Hawaii Revised Statutes*, is set forth below with the text displayed in abbreviated fashion. The source note at the end of the section set forth in brackets, however, is set forth as of 1985. A source note at the end of a statute gives the history of a section in chronological fashion, setting forth the Act which first enacted the statute, each amending act, and each compilation in which the statute may be found. In performing legislative research, understanding and reading the source note following each section in the *Hawaii Revised Statutes* are the keys to such research.

A copy of the list of Abbreviations and Symbols found in the front of each volume of the *Hawaii Revised Statutes* is in Appendix A. This list may be used to decipher the source notes and other abbreviations found in the *Hawaii Revised Statutes*. The source note for section 321-11 is translated underneath the section.

§321-11 Subjects of health regulations, generally. The department of health may make such regulations as it deems necessary for the public health and safety respecting:

- (1) Nuisances, foul or noxious odors, gases, vapors, waters in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the respective districts of the State, and on board any vessel;

- (25) Ambulances and ambulance equipment;

The department may require any certificates, permits, or licenses as it may deem necessary to adequately to regulate the conditions or businesses referred to in this section. [PC 1869, c 59, §§4 to 6; am L 1905, c 42, §1; am L 1911, c 132, §2; am L 1913, c 63, §1; am L 1919, c 235, §1; RL 1925, §912; am L 1933, c 73, §1; RL 1935, pt of §§904 and 1130; am L 1937, c 122, §4; am L 1937, c 197, §1; am L 1941, c 18, §1; RL 1945, §2015; am L 1945, c 116, §1(b); am L 1949, c 71, §1; am L 1951, c 18, §3, c 64, §1, and c 181, §1; am L 1953, c 32, §1; RL 1955, §46-13; am L 1957, c 153, §1; am L Sp 1959 2d, c 1, §19; am L 1963, c 150, §1; HRS §321-11; am L 1969, c 134, §1; am L 1973, c 5, §1; am L 1978, c 7, §1; am L 1980, c 239, §3; am L 1981, c 84, §1; am L 1985, c 272, §4]

TRANSLATION OF SOURCE NOTES FOR §321-11

PC 1869, c 59, §§4-6	=	Compiled in Penal Code of 1869, act 59, sections 4 to 6.
am L 1905, c 42, §1	=	Amended Session Laws of Hawaii (SLH) 1905, act 42, section 1.

am L 1911, c 132, §2	=	Amended SLH 1911, act 132, section 2.
am L 1913, c 63, §1	=	Amended SLH 1913, act 63, section 1.
am L 1919, c 235, §1	=	Amended SLH 1919, act 235, section 1.
RL 1925, §912	=	Compiled Revised Laws of Hawaii (RLH) 1925, section 912.
am L 1933, c 73, §1	=	Amended SLH 1933, act 73, section 1.
RL 1935, pt of §§904 and 1130	=	Compiled RLH 1935, part of section 904 and section 1130.
am L 1937, c 122, §4	=	Amended SLH 1937, act 122, section 4.
am L 1937, c 197, §1	=	Amended SLH 1937, act 197, section 1.
am L 1941, c 18, §1	=	Amended SLH 1941, act 18, section 1.
RL 1945, §2015	=	Compiled RLH 1945, section 2015.
am L 1945, c 116, §1(b)	=	Amended SLH 1945, act 116, section 1, subsection (b).
am L 1949, c 71, §1	=	Amended SLH 1949, act 71, section 1.
am L 1951, c 18, §3, c 64, §1, c 181, §1	=	Amended SLH 1951, act 18, section 3, act 64, section 1, and act 181, section 1.
am L 1953, c 32, §1	=	Amended SLH 1953, act 32, section 1.
RL 1955, §46-13	=	Compiled RLH 1955, section 46-13.
am L 1957, c 153, §1	=	Amended SLH 1957, c 153, section 1.
am L Sp 1959 2d, c 1, §19	=	Amended SLH 1959, Second Special Session, act 1, section 19.
am L 1963, c 150, §1	=	Amended SLH 1963, act 150, section 1.
HRS §321-11	=	Compiled Hawaii Revised Statutes, section 321-11.
am L 1969, c 134, §1	=	Amended SLH 1969, act 134, section 1.
am L 1973, c 5, §1	=	Amended SLH 1973, act 5, section 1.
am L 1978, c 7, §1	=	Amended SLH 1978, act 7, section 1.
am L 1980, c 239, §3	=	Amended SLH 1980, act 239, section 3.
am L 1981, c 84, §1	=	Amended SLH 1981, act 84, section 1.
am L 1985, c 272, §4	=	Amended SLH 1985, act 272, section 4.

If legislative history research on section 321-11 is being performed, each item set forth in the source note might have to be checked. In practice, however, there are a number of entries that might not be checked. For example, section 321-11 has been compiled six times: in the Penal Code of 1869, the Revised Laws of Hawaii (RLH) of 1925, 1935, 1945, 1955, and the *Hawaii Revised Statutes*. Each compilation shows the statute as it has been amended up to the date of the compilation. For example, RL 1955, section 46-13 is found in the Revised Laws of Hawaii 1955 and will reflect section 2015 of the Revised Laws of Hawaii 1945 as amended by the Session Laws of 1945, 1949, 1951, and 1953. In researching the legislative history of section 321-11, none of the compilations may have to be reviewed. On the other hand, each act may have to be reviewed to determine what amendment was made and what the legislature said about the amendment in committee reports and on the floor of the legislature in speeches.

If one knows how a prior compilation read and how the present compilation differs, the legislative history search may be narrowed to the ten-year period between compilations. It should be kept in mind that the *Hawaii Revised Statutes* is actually in its fourth compilation. That is, it was first published in 1968 containing all statutes and amendments through 1967. It was replaced in 1976 and the main or black volumes then contained all amendments to the *Hawaii Revised Statutes* from 1968 through 1975. The 1985 Replacement volumes of the *Hawaii Revised Statutes* contain all amendments to the *Hawaii Revised Statutes* made during the period from 1976 through 1985. The 1993 Replacement volumes contain all amendments to the *Hawaii Revised Statutes* made during the period from 1986 through 1993.

Walking Through an Actual Search

In order to assist in understanding the process involved in researching legislative history, the following discussion leads the reader through an actual search. Section 92-7, *Hawaii Revised Statutes*, from the 1984 Supplement to the *Hawaii Revised Statutes* reads as follows:

§92-7 Notice. ***

(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least six calendar days before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.

[am L 1984, c 271, §1]

Amendment Note

L 1984 amended subsection (b) changing notice from "seventy-two hours" to "six calendar days".

Note that asterisks follow the title to section 92-7 and follow the text before the source note. These asterisks indicate that the main volume of the *Hawaii Revised Statutes* must be consulted for the missing language. When the Revisor of Statutes prepares a Supplement, popularly known as the Pocket Part, the Revisor omits unamended material, i.e., in this instance, subsections (a) and (c).

At this point it cannot be stressed enough that the *Hawaii Revised Statutes* should be read from the back to the front. Always look at the Pocket Part first to determine if a section has been amended, or if the Revisor has inserted a note indicating some legislative action on that section. If a person's title changes, for example, an amendment changing the title of the Director of Regulatory Agencies to the Director of Commerce and Consumer Affairs, the Revisor will insert a note in the Pocket Part showing the title change and the act making the change but will not set out the section. This practice, adopted as a matter of cost savings, is one of which the researcher must be aware.

At the bottom of section 92-7, the source note is set forth in brackets. The source note only shows the 1984 legislative action. For the rest of the source note the main volume of the *Hawaii Revised Statutes* would have to be consulted. From the discussion interpreting the source note for section 321-11, it is clear that L 1984, c 271, §1 means Session Laws of Hawaii 1984, Act 271, section 1. In order to find the legislative history of Act 271 the number of the bill which became Act 271 upon the governor's signature must be found. This number may be found in the Session Laws of Hawaii 1984.

ACT 271

H.B. No. 1311

A Bill for an Act Relating to Public Agency Meetings and Records.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 92-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least [seventy-two hours] six calendar days before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda [in the manner provided herein] if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 7, 1984.)

To the right-hand side of Act 271, H.B. No. 1311 appears. This is the bill which the governor signed to become Act 271. In earlier Session Laws the bill number might appear at the end of the Act (see Appendix B). Armed with the bill number, the researcher must consult the House and Senate Journals for the appropriate year. In the example being used, four Journals must be reviewed; that is, the House and Senate Journals for 1983 and 1984 because House Bill No. 1311 was introduced in 1983 and was carried over and passed in 1984. There are two ways to tell the bill was introduced in 1983. First, the Journals for 1984 would be incomplete and would indicate that the bill was carried over from 1983. Second, bills which are introduced in the second year of a legislature (in even-numbered years) are indicated by placing a dash and the year after the bill number. Illustratively, if House Bill No. 1311 read 1311-84, it would have been introduced in 1984.

Since this is a House bill, it is best to look first in the House Journal for 1983, although no particular order of checking Senate and House Journals need be followed. At the back of the Journal is a table called the History of House Bills (see page 32). This table lists the page numbers in the Journal at which the action taken on the bill by the House of Representatives is set forth. By checking each of the pages listed it can be determined what happened to House Bill No. 1311. The first page listed shows the bill was introduced on the 20th day, who introduced the bill, and its referral to the Committee on Legislative Management which is responsible for printing the bill (see pages 22 and 23). After printing, the bill is referred to committee. House Bill No. 1311 was referred to the Committee on Public Employment and Government Operations and then to the Committee on Finance (see page 24).

When performing legislative history research, always look for a minimum of two committees and two standing committee reports for a bill--one in each House. Many, many bills, however, go to more than one committee to get through each house. Usually bills at the minimum will go to the Senate and House Judiciary Committees for a check for possible legal complications or to the Senate Ways and Means Committee or House Finance Committee to check for financial implications.

Continuing the legislative history for House Bill No. 1311, on the 30th day it was referred to the Committee on Public Employment and Government Operations (see page 25). No reason for the referral is shown.

On the 32nd day, House Bill No. 1311 was reported out of the Committee on Public Employment and Government Operations with a recommendation that it pass Second Reading, as amended, and be placed on the calendar for Third Reading (see page 26). At this point, note the reference to Standing Committee Report No. 510. Since the Journal and the page references in the History of Bills Table reflect floor action, the committee report is not reproduced at this point.

In Hawaii Legislative Journals, committee reports are placed in the appendix of the Journal after setting forth the floor action for the legislative session. This has been done since 1951 in the House and 1955 in the Senate. Before then committee reports were found in the Journal proceedings at the point of discussion (see Appendix C). It should also be noted that since First and Second Reading in each house are usually a formality, they occur by voice vote and there is seldom any discussion. Controversial bills, however, may be discussed even upon

introduction or First Reading. Therefore, a review of these actions should not be ignored under the impression that nothing ever happens at this point in the legislative process.

In order to find Standing Committee Report No. 510, the appendix of the House Journal must be checked. Committee reports in the Journal appendices are set forth in numerical order, first conference committee reports and then standing committee reports. Armed with the number 510, the researcher can find the standing committee report (see page 31). Sometimes the History of Bills Table in the older Legislative Journals will give the page number at which the committee report may be found. In recent Journals, however, the only way to find the committee report in the appendix is to go through the Journals page by page. Since the reports are in numerical order, however, it is fairly easy to find them.

The next action on House Bill No. 1311 occurred on the 33rd day when it passed the House on Third Reading (see page 27).

At this point in the legislative process, House Bill No. 1311 goes to the Senate for consideration. Since the House Journal is being reviewed, however, research in the House Journal should be completed first. The next action on House Bill No. 1311 in the House Journal occurred on the 47th day when the bill was returned from the Senate in an amended form and placed on file for further action (see page 28). On the 49th day the House disagreed with the Senate amendments and requested a conference on the subject matter of the amendments (see page 29). On the 53rd day the Senate informed the House of its conferees and the House appointed its own conferees (see page 30).

The bill did not come out of conference during the 1983 Legislative Session but it passed during the 1984 Legislative Session. Thus, the 1984 House and Senate Journals must be reviewed to find out what happened. First, however, the research for 1983 should be completed by checking the 1983 Senate Journal.

In the back of the Senate Journal, a History of Senate Bills Table is presented, then a History of Senate Concurrent Resolutions and Senate Resolutions, and then a History of House Bills. At the listing for House Bill No. 1311, the pages for Senate action are set forth (see page 41). The same process used in the House Journal is used in the Senate Journal. On the 34th day of the session, House Bill No. 1311 passed First Reading and was placed on the calendar for further consideration (see page 34). On the 35th day it was referred to the Senate Committee on Government Operations and County Relations (see pages 35 and 36). On the 45th day the bill was reported out of the Committee by Senate Standing Committee Report No. 731, passed Second Reading, and was placed on the calendar for Third Reading (see page 37). Senate Standing Committee Report No. 731 is found in the appendix of the Senate Journal (see page 40). On the 46th day House Bill No. 1311 passed Third Reading in the Senate with Senator Abercrombie voting No (see page 38). On the 52nd day the Senate was informed of the disagreement of the House to the Senate amendments and appointed Senate conference conferees (see page 39).

This completes the legislative research for 1983. Now, the 1984 Senate and House Journals must be looked at, as House Bill No. 1311 passed in 1984.

Again, since a House Bill is being followed, start with the House Journal. The first listing in the History of House Bills Table (see page 52) is to the 57th day where the House indicates that House Bill No. 1311 was reported out of conference in Conference Committee Report No. 18-84 (see pages 44 and 45). Conference committee reports are in the appendix of the Journal and come before standing committee reports. With report number 18-84, the conference committee report may be found (see pages 50 and 51). On the 59th day the conference committee report was adopted and the bill passed on Final Reading in the House with fifty votes in favor and Representative Baker excused (see pages 46 and 47).

At this point floor speeches by Representatives Medeiros and Tam may be found. These speeches and any other floor discussion may be important to a determination of legislative intent and must be reviewed just as committee reports are reviewed to determine legislative intent.

On the 60th day, the Senate informed the House that the Senate passed House Bill No. 1311 on Final Reading (see page 48). (The Journal incorrectly sets forth the House Bill number as 1311-84.)

Since it is a House Bill, it is the House's responsibility to transmit the bill to the governor for signature or veto. The House Journal indicates that the Governor informed the House that House Bill No. 1311 was signed on June 6, 1984, as Act 271 (see page 49). This completes the research in the House Journal. The Senate Journal must be checked in order to complete the Journal research on House Bill No. 1311.

The History of House Bills Table in the Senate Journal (see page 59) shows that on the 11th day in the Senate all bills referred to the Senate Clerk at the end of the 1983 session were returned to the committee which had them last (see page 54). In the case of House Bill No. 1311, it goes back to the conference committee.

It is the practice of the Senate to recall all bills which carry over from a legislative session in an odd-numbered year to a session in an even-numbered year from committee to the clerk's office. At the opening of the next session the bills are returned to their respective committees. The House of Representatives, on the other hand, leaves its bills in committee.

On the 57th day in the Senate, the Senate reported the bill from conference in Conference Committee Report No. 15-84 (see page 55). Like the House, the conference committee reports are found in the appendix of the Senate Journal (see page 58). On the 59th day, House Bill No. 1311 passed the Senate on final reading with all senators voting in favor of the bill and without discussion (see page 56). Finally, there is a governor's message informing the Senate that the bill is Act 271 (see page 57).

Once the various committee reports and floor speeches have been found through this process, they may be reviewed to determine legislative intent.

This exercise shows what it takes to do the legislative research for one act amending one section of the *Hawaii Revised Statutes*. Section 321-11, discussed in chapter 1, had six compilations and twenty-three different acts. While researching all of these acts, other acts of

interest may be found to be researched. Unfortunately, there are few short cuts to this process. Those which may be used are discussed in chapter 3.

Searching for committee reports to concurrent resolutions, those resolutions adopted by both the Senate and the House of Representatives, and resolutions, those adopted by only one house of the legislature, would be undertaken in the same manner. First, the number of the resolution is determined, then the History of Concurrent Resolutions or the History of Resolutions Table in the back of the Journals would be checked to determine the page numbers discussing the resolution. These pages would in turn contain the committee report number adopting the resolution, if any. A resolution asking some agency or person to perform some action would usually have a committee report which recommended its adoption and enumerated some of the concerns of the committee.

Other Searches Which May be Performed

In performing Journal research, various drafts of the bill which preceded the final act found in the Session Laws may need to be reviewed. Particularly after reading the committee reports, the next step may be to look at the changes made by the legislative committees. Legislative committee reports do not discuss every little change that is made to a bill in committee, and in some instances, do not discuss major changes.

In order to obtain the drafts of a bill before it became an act, the bill number is necessary. The various drafts of the bill can be found at the Archives or for the most recent ten-year period at the Legislative Reference Bureau Library. Testimony given in committee on a particular bill may also be of interest and may be found in the Archives. Both Houses require their committees to file a copy of the testimony on each bill with the Archives. When researching at the Archives one may find, however, that there was no testimony or none filed.

A different problem legislative researchers are faced with is finding bills on a certain subject which have not become law but for some reason or the other they need to review. Depending on the year in which research is being performed, the difficulty varies.

The Legislative Journals began to contain a subject matter index in 1915 and they carried an index which grew in complexity through 1970. An example of this index for 1963 has been reproduced in Appendix D (see pages 87 and 88). In 1971, the Journals dropped the index. After that period, one must use the index prepared by the Legislative Reference Bureau. Examples from 1971 and 1977 are included in Appendix D (see pages 89 and 92). An example of the status tables in those years as they existed before computerization is also set forth (see pages 90, 91, and 93). In 1981 and 1982, the Bureau computer data base contained an index. A hard copy and microfiche were prepared of the data base, including the index, and sent to all regional libraries in the Hawaii State Library System, the Legislative Reference Bureau Library, and the Archives. No computer version of this index has been prepared since 1984. The reason for this is that what used to be called Status was combined with the index in 1983. Instead of a single word index, the Bureau Systems Office used a DESCRIPT paragraph containing index words and phrases which may be useful in finding a bill on the proper subject. Beginning in

1985, a KEYWORDS paragraph was added. Although no computer version of an index is available, a microfiche index is still prepared and distributed on a delayed basis.

A final problem that should be discussed concerns statutes which have been enacted during one period of the informal compilation of the *Hawaii Revised Statutes* and placed in the Pocket Part. Later, but before the next informal compilation of the *Hawaii Revised Statutes*, the statute is repealed. Thus, the only place in which the statute is codified is in the Pocket Part which is generally thrown out after one year.

An example is section 323D-46.1, *Hawaii Revised Statutes*, enacted by Act 75, Session Laws of Hawaii 1980, and repealed by Act 267, Session Laws of Hawaii 1984.

[§323D-46.1] Increase in project cost. (a) In issuing a certificate of need, the state agency shall specify in the certificate of need the maximum amount of capital expenditures which may be obligated under the certificate of need.

(b) The state agency shall adopt rules in conformity with chapter 91 requiring the holder of a certificate of need to obtain state agency approval or an additional certificate of need if the amount of capital expenditures obligated or expected to be obligated for the project exceeds the maximum amount specified in the certificate of need. [L 1980, c 75, §19]

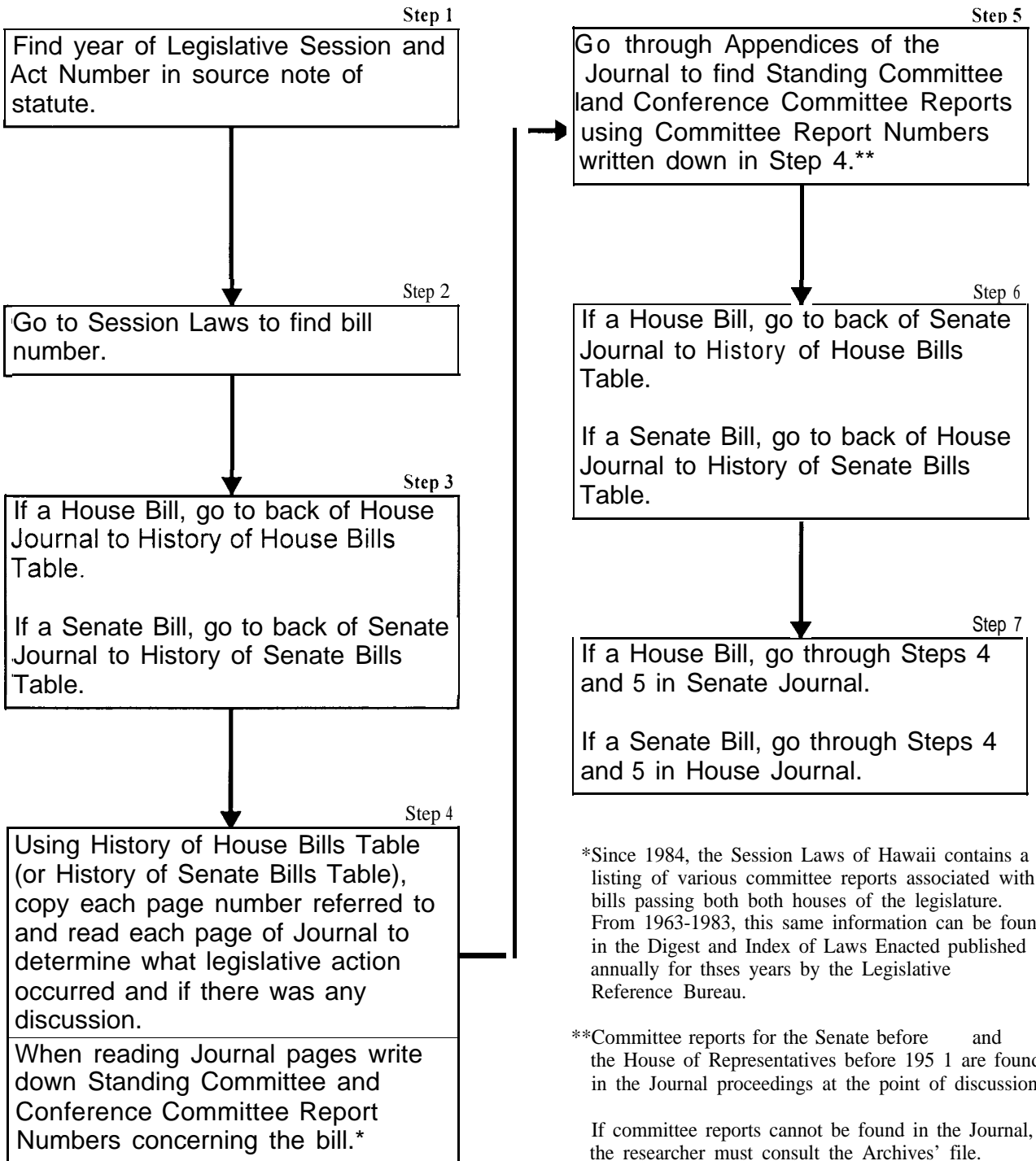
If the researcher is reviewing the *Hawaii Revised Statutes* in 1985, after this section has been repealed, all the researcher would find in the Pocket Part is the following notation:

§323D-46.1 REPEALED. L 1984, c 267, §17.

The same notation occurs in all replacement volumes of the *Hawaii Revised Statutes* after 1984. In order to find the text of this section, first the researcher could go to Act 267, 1984 Session Laws. The text of the section, however, would not be in the Session Laws as the Revisor of Statutes does not set forth the text of repealed sections in the Session Laws.¹ The researcher would then have to take the bill number from Act 267, H.B. No. 1933-84, and review the bill for the text of the section where the text is displayed in full. The bill can be found at the Legislative Reference Bureau Library if less than ten years old, or otherwise at the Archives. In the alternative, the researcher could look at the Pocket Part for 1983 to the *Hawaii Revised Statutes* and find the text of the section. Pocket Parts to the *Hawaii Revised Statutes* which are not current can be found at the Archives, the Supreme Court Law Library, the William S. Richardson School of Law Library, or the Legislative Reference Bureau Library.

¹ See, *Haw. Rev. Stat.*, §23G-16.5.

HOW THE LEGISLATIVE HISTORY OF A STATUTE IS RESEARCHED



*Since 1984, the Session Laws of Hawaii contains a listing of various committee reports associated with bills passing both both houses of the legislature. From 1963-1983, this same information can be found in the Digest and Index of Laws Enacted published annually for thses years by the Legislative Reference Bureau.

**Committee reports for the Senate before and the House of Representatives before 195 1 are found in the Journal proceedings at the point of discussion.

If committee reports cannot be found in the Journal, the researcher must consult the Archives' file.

1983 AND 1984

HOUSE OF REPRESENTATIVES AND SENATE

JOURNAL EXAMPLES

JOURNAL
HOUSE OF REPRESENTATIVES
1983

INTRODUCTION OF BILLS

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the following bills (H.B. Nos. 1250 to 1628) passed First Reading by title and were referred to the Committee on Legislative Management:

H.B. Nos.

1250 "A Bill for an Act making an appropriation for a study to recommend changes to Hawaii's zoning and subdivision regulation, housing statutes, ordinances, and building codes. "

Introduced by: Representative Hirono.

1251 "A Bill for an Act relating to pre-judgement interest. "

Introduced by: Representative Hagino.

1252 "A Bill for an Act making an appropriation for a grant-in-aid to the aid to victims coordinator program of the County of Kauai. "

Introduced by: Representatives Kawakami, Apo, Lardizabal, Anderson, Baker, Blair, Chun and Kihano .

1253 "A Bill for an Act making an appropriation for the Kauai coordinated transportation system for the elderly, disabled, handicapped and other disadvantaged persons, including preschool children. "

Introduced by: Representatives Kawakami, Apo, Lardizabal, Baker, Blair, Chun, **Marumoto** and Okamura.

1254 "A Bill for an Act making an appropriation for the establishment of a Kauai West-side Adult Day Care Center. "

Introduced by: Representatives **Kawakami**, Apo, Lardizabal, Baker, Blair and Chun.

1255 "A Bill for an Act relating to resident managers."

Introduced by: Representatives **Kawakami**, Anderson, Apo, Lardizabal, Anderson, Baker, Blair, Chun, Kihano, Leong and Marumoto.

1256 "A Bill for an Act relating

to family court records. "

Introduced by: Representatives **Kawakami**, Anderson, Apo, Blair, Chun, Kihano, Lardizabal and Okamura.

1257 "A Bill for an Act relating to limitation of actions. "

Introduced by: Representatives **Kawakami**, Apo, Baker, Chun, Kihano and Okamura.

1258 "A Bill for an Act relating to credit card offenses. "

Introduced by: Representative Shito .

1259 "A Bill for an Act relating to contracts ."

Introduced by: Representative Shito. (By request)

1260 "A Bill for an Act relating to industrial loan companies. "

Introduced by: Representative Shito.

1261 "A Bill for an Act relating to the deputy adjutant general. "

Introduced by: Representative **Shito** .

1262 "A Bill for an Act relating to special purpose revenue bonds for construction of an ethanol plant."

Introduced by: Representatives Okamura and Kiyabu-Saballa.

1263 "A Bill for an Act relating to amendments to the utility franchise tax as it relates to power produced from non-fossil fuels ."

Introduced by: Representatives Okamura and Kiyabu-Saballa.

1264 "A Bill for an Act making an appropriation for a study of the problems and benefits of increasing and maintaining the housing supply through tax policy changes ."

Introduced by: Representative Hirono .

1265 "A Bill for an Act relating to housing."

Introduced by: Representative **Hirono**.

1266 "A Bill for an Act relating

- Shito.
- 1300 "A Bill for an Act relating to public utilities."
- Introduced by: Representatives Shito and Blair.
- 1301 "A Bill for an Act relating to cemeteries and mortuaries."
- Introduced by: Representative Shito.
- 1302 "A Bill for an Act relating to employment security."
- Introduced by: Representative Shito. (By request)
- 1303 "A Bill for an Act relating to residential group living."
- Introduced by: Representative Shito.
- 1304 "A Bill for an Act relating to industrial loan company guaranty act."
- Introduced by: Representative Shito.
- 1305 "A Bill for an Act relating to intoxicating liquors."
- Introduced by: Representative Tom. (By request)
- 1306 "A Bill for an Act relating to condominium management."
- Introduced by: Representative Tom. (By request)
- 1307 "A Bill for an Act relating to hypnotherapist."
- Introduced by: Representative Tom. (By request)
- 1308 "A Bill for an Act relating to land dispositions."
- Introduced by: Representative Say.
- 1309 "A Bill for an Act relating to contractors."
- Introduced by: Representative Tam. (By request)
- 1310 "A Bill for an Act making an appropriation for vision care, eyeglasses, and hearing aids under the medical assistance program."
- Introduced by: Representatives Ige and Leong.

1311 "A Bill for an Act relating to public agency meetings and records."

Introduced by: Representatives Tam, Apo, Chun and Hayes.

1312 "A Bill for an Act relating to the Hawaii insurance law."

Introduced by: Representatives Tam, Apo, Chun, Hagino, Honda and Okamura.

1313 "A Bill for an Act making an appropriation for medical assistance reimbursements to hospital-based nursing facilities."

Introduced by: Representatives Ige and Leong.

1314 "A Bill for an Act relating to retirement systems."

Introduced by: Representatives Tam, Apo, Hagino, Honda and Okamura.

1315 "A Bill for an Act relating to tourism."

Introduced by: Representatives Tam, Apo, Chun, Hagino and Okamura.

1316 "A Bill for an Act relating to land readjustment."

Introduced by: Representatives Tam, Apo, Chun, Hayes, Honda, Ikeda and Okamura.

1317 "A Bill for an Act relating to vehicle size and weight."

Introduced by: Representative Taniguchi. (By request)

1318 "A Bill for an Act relating to the uniform probate code."

Introduced by: Representative Taniguchi.

1319 "A Bill for an Act relating to state parks and recreation areas."

Introduced by: Representative Okamura. (By request)

1320 "A Bill for an Act relating to appropriations."

Introduced by: Representative Ikeda.

1321 "A Bill for an Act relating to absentee voting."

- 1272 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 1273 Committee on Judiciary
- 1274 Committee on Consumer Protection and Commerce
- 1275 Committee on Housing, then to the Committee on Finance
- 1276 Committee on Judiciary, then to the Committee on Finance
- 1277 Committee on Higher Education, then to the Committee on Finance
- 1278 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1279 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1280 Committee on Consumer Protection and Commerce
- 1281 Committee on Legislative Management, then to the Committee on Finance
- 1282 Committee on Consumer Protection and Commerce
- 1283 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1284 Committee on Judiciary
- 1285 Committee on Higher Education, then to the Committee on Finance
- 1286 Committee on Judiciary
- 1287 Committee on Corrections and Rehabilitation, then to the Committee on Finance
- 1288 Jointly to the Committees on Judiciary and Education, then to the Committee on Finance
- 1289 Committee on Judiciary, then to the Committee on Finance
- 1290 Committee on Judiciary, then to the Committee on Finance
- 1291 Committee on Employment Opportunities and Labor Relations
- 1292 Committee on Employment Opportunities and Labor Relations
- 1293 Committee on Judiciary
- 1294 **Committee** on Judiciary, then to the Committee on Finance
- 1295 Committee on Employment Opportunities and Labor Relations
- 1296 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 1297 Committee on Health then to the Committee on Finance
- 1298 **Committee** on Human Services, then to the Committee on Finance
- 1299 Jointly to the Committees on Consumer Protection and Commerce and Judiciary
- 1300 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1301 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1302 Committee on Employment Opportunities and Labor Relations
- 1303 Committee on Human Services
- 1304 Committee on Consumer Protection and Commerce, then to the Committee on **Finance**
- 1305 Committee on Consumer Protection and Commerce
- 1306 Committee on Consumer Protection and Commerce
- 1307 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1308 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 1309 Committee on Consumer Protection and Commerce
- 1310 Committee on Human Services, then to the Committee on Finance
- 1311 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 1312 Committee on Consumer Protection and Commerce
- 1313 Committee on Human Services, then to the Committee on Finance

THIRTIETH DAY

Wednesday, March 9, 1983

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Roland Tatsuguchi representing Shinshu Kyokai Mission, after which the Roll was called showing all members present with the exception of Representative Wong, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-Seventh Day.

On motion by Representative Segawa, seconded by Representative Marumoto and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Seventh Day was approved.

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

Representative Bunda introduced fourth grade students from Hanalani Elementary School in Wahiawa who were accompanied by their teachers, Miss Amy Kaneshiro and Mr. Ronald Babb.

Representative Tom introduced a group of children and parents from Samoa and Viet Nam who are members of the Students Ltd. English Proficiency Program.

Representative Dang introduced Mary Jane McMurdo, Chairperson of the McCully-Moiliili Neighborhood Board and her husband, Colonel Strathmore McMurdo.

Representative Apo introduced Mary Jane Kahanamoku from the Big Island who is the Secretary of the International Polynesian Canoe Federation and President of Na Moku O Hawaii Canoe Racing Association; Mel Kalahiki, Race Director of the Hawaiian Canoe Racing Association; Gaylord Wilcox, Secretary of the Hawaiian Canoe Racing Association; and George Estal from Tahiti, Secretary-General of the International Polynesian Canoe Federation.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
564	Committee on Finance
621	Committee on Consumer Protection and Commerce
830	Committee on Judiciary
1121	Jointly to the Committees on Public Employment and Government Operations; and Health
1311	Committee on Public Employment and Government Operations
1342	Committee on Judiciary
1562	Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Corn. Rep. No. 351) recommending that H.B. No. 15, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 15, HD1 entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Ige and Stanley, for the Committees on Human Services and Judiciary, presented a joint report (Stand. Corn. Rep. No. 352) recommending that H.B. No. 34, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ige, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.B. No. 34, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", passed Second Reading and was placed on the calendar for Third Reading.

Second Reading and placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 1221 pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 1102, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1050, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 1088, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 901, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 830, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 581 pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 452, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented

a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 69, as amended in HD2, pass Third Reading.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1311, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Albano and Matsuura, for the Committees on Public Employment and Government Operations; and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 511) recommending that H.B. No. 549 pass Second Reading and be placed on the calendar for Third Reading.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 514 pass Second Reading and be placed on the calendar for Third Reading.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 411 pass Second Reading and be placed on the calendar for Third Reading.

Representative Baker, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 1146 pass Second Reading and be placed on the calendar for Third Reading.

Representatives Shito and Stanley, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 515) recommending that H.B. No. 866, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 516) recommending that H.B. No. 601, as amended in HDI, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand.

used for mailing addresses on the line provided in the current registration affidavit. Secondly, the prohibition of a candidate's parents, spouse, siblings or offspring born being a voter registrar. Third, a provision for filling a vacancy in the House when that vacancy is occasioned by the conviction for voter fraud. Said vacancy is to be filled by special election. Fourthly, a clarification of the provisions of the fraud section of the election laws, specifically addressing a person who induces or procures a party to register, knowing that party does not meet the residence requirement. Five, the inclusion of candidates and voter registrars in a definition of public officer; and sixth, a qualification of a violation of voter fraud is a class C felony.

This is not a fundamental change in the statutes as a whole since there are provisions for this, but it is not included in the section relating to the election law and you have to go sort of a torturous route in our statutes to find this resolve.

Mr. Speaker, as I said earlier, this is something that is fundamental, I think, with respect to our country and our State, to prevent any problems in the future, and I think it is our obligation, as legislators, to clear up as much as we can of the statutory law when we have a chance to do so. I feel it is in all of our best interest to give this amendment serious consideration, Mr. **Speaker**, and I hope the members of this body will join us in broadening this statute or the proposed bill to this effect.

Thank you, Mr. **Speaker**."

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

The motion to pass H .B.No. 901, HD 1, on Third Reading was put by the Chair and carried, and H .B . No, 901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS" having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B . No. 901 had nassed Third Reading at 10: 04 o'clock p.m.

H.B. No. 830, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, H.B. No. 830, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS", passed Third Reading by a vote of 51 ayes.

H.B. No. 581:

On motion by Representative Stanley, seconded by Representative Tom and carried, H.B. No. 581, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS", passed Third Reading by a vote of 51 ayes.

H.B. No. 452, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, H .B .No. 452, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS OF STATES OF MIND", passed Third Reading by a vote of 51 ayes.

H.B. No. 1311, HD 1:

On motion by Representative Albano, seconded by Representative Yoshimura and carried, H.B. No. 1311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 830, 581, 452 and 1311 had passed Third Reading at 10:05 o'clock p.m.

H .B .No. 549:

On motion by Representative Albano, seconded by Representative Matsuura and carried, H .B .No. 549, entitled: "A BILL FOR AN ACT RELATING TO THE FUNCTIONS OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES", passed Third Reading by a vote of 51 ayes.

H.B. No. 514:

On motion by Representative Albano, seconded by Representative Yoshimura and carried, H.B. No. 514, entitled: "A BILL FOR AN ACT RELATING TO **COUNTIES**", passed Third Reading by a vote of 51 ayes.

H.B. No. 411:

On motion by Representative Albano, seconded by Representative Yoshimura and carried, H.B. No. 411, entitled:

LOAN COMPANY GUARANTY ACT" which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 417) returning House Bill No. 1311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 418) returning House Bill No. 1313, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICAL ASSISTANCE REIMBURSEMENTS TO HOSPITAL-BASED NURSING FACILITIES", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 419) returning House Bill No. 1317, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE SIZE AND WEIGHT", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 420) returning House Bill No. 1438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 421) returning House Bill No. 1340, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 422) returning House Bill No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 423) returning House Bill No. 1363, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS", which passed Third Reading in the Senate on April 4, 1983, in an amended

form, was placed on file.

A communication from the Senate (Sen. Com. No. 424) returning House Bill No. 1399, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 425) returning House Bill No. 1401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE BONDS FOR HEALTH CARE FACILITIES", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 426) returning House Bill No. 1402, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS LICENSE BOARD", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 427) returning House Bill No. 1417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 428) returning House Bill No. 1434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 429) returning House Bill No. 1496, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 430) returning House Bill No. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS", which passed Third Reading in the Senate on April 4, 1983, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 431) returning House Bill No. 1528, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE", which

By unanimous consent, naming of the conferees on the part of the House was deferred.

At 12: 38 o'clock p . m . , Representative Marumoto asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12: 40 o'clock p . m .

By unanimous consent, the following bills were taken from the Clerk's desk: H.B. Nos. 274, HD 1, SD 1; 278, HD 1, SD 1; 286, HD 2, SD 1; 287, HD 2, SD 1; 289, HD 1, SD 1; 291, HD 1; SD 1; 621, HD 1; SD 1; 659, SD 1; 810, HD 2, SD 1; 913, HD 1; SD 1; 915, SD 1; 966, HD 2, SD 1; 1018, HD 2, SD 2; 1304, HD 2, SD 1; 1340, HD 1, SD 1; 1402, HD 2, SD 1; 1580, HD 1, SD 1; and 1587, HD 1, SD 1.

On motion by Representative Shito, seconded by Representative Hayes and carried, the House disagreed to the amendments proposed by the Senate to H . B . Nos. 274, HD 1; 278, HD 1; 286, HD 2; 287, HD 2; 289, HD 1; 291, HD 1; 621, HD 1; 659; 810, HD 1; 913, HD 1; 915; 966, HD 2; 1018, HD 2; 1304, HD 2; 1340, HD 1; 1402, HD 2; 1580, HD 1; and 1587, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, the following bills were taken from the Clerk's desk: H.B. Nos. 42, HD 2, SD 1; 43, HD 2, SD 1; 45, HD 2, SD 2; and 1190, HD 2, SD 2.

On motion by Representative Takamine, seconded by Representative Nakata and carried, the House disagreed to the amendments proposed by the Senate to H.B. Nos. 42, HD 2; 43, HD 2; 45, HD 2; and 1190, HD 2, and requested a conference on the subject matter of said amendments.

By unanimous consent, **naming** of the conferees on the part of the House was deferred.

By unanimous consent, the following bills were taken from the Clerk's desk: H.B. Nos. 182, SD 1; 722, HD 1, SD 1; 752, HD 1, SD 1; and 1434, HD 1, SD 1.

On motion by Representative Hashimoto, seconded by Representative Hee

and carried, the House disagreed to the amendments proposed by the Senate to H . B . Nos. 182; 722, HD 1; 752, HD 1; and 1434, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H . B . No. 6, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 6, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H . B . Nos. 844, HD 1, SD 1; 1311, HD 1, SD 1; and 1567, HD 2, SD 1, were taken from the Clerk's desk.

On motion by Representative Albano, seconded by Representative Yoshimura and carried, the House disagreed to the amendments proposed by the Senate to H.B. Nos. 844, HD 1; 1311, HD 1; and 1567, HD 2, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, the following bills were taken from the Clerk's desk: H.B. Nos. 69, HD 2, SD 1; 114, HD 2, SD 2; 502, HD 2, SD 2; 1087, HD 2, SD 1; 1151, HD 2, SD 1; and 1401, HD 1, SD 1.

On motion by Representative Baker, seconded by Representative Chun and carried, the House disagreed to the amendments proposed by the Senate to H.B. Nos. 69, HD 2; 114, HD 2; 502, HD 2; 1087, HD 2; 1151, HD 2; and 1401, HD 1, and requested a conference on the subject matter of said amendments,

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 809, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Tungpalan,

said amendments, Senators Young, Chairman; Yamasaki and Ajifu have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Hirono, Chairman; Apo, Leong, Morgado, Tom and Jones as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 587) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1237 (SD 1), and the request for a conference on the subject matter of said amendments, Senators B. Kobayashi, Chairman; Hagino and George have been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 588) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1266, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators Chang, Chairman; Cobb and George have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley, Chairman; Taniguchi, Tom and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 589) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1311, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators Kawasaki, Chairman; Hagino and George have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Albano, Chairman; Graulty, Hayes, Honda, Nakasato, Wong and Anderson as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 590) informing the House that pursuant to the disagreement

of the House to the amendments proposed by the Senate to House Bill No. 1313, HD 2 (SD 2), and the request for a conference on the subject matter of said amendments, Senators **Yamasaki**, Chairman; B. Kobayashi, Mizuguchi and A. Kobayashi have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Ige and Kiyabu, Co-Chairmen; Baker, **Chun**, Leong, Morgado, Anderson and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 591) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1340, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators Cobb, Chairman; B. Kobayashi, Uwaine and Henderson have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Shito, Chairman; Hirono, Kim, Matsuura and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 592) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1342, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators Chang, Chairman; Machida and George have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley, Chairman; Baker, Hayes, Tom and Medeiros as Managers on the part of the House at such conference,

A communication from the Senate (Sen. Com. No. 593) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1363, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators **Chang**, Chairman; Holt and George have been appointed as Managers on the part of the Senate at such conference, was placed on file.

SCRep. 509 Judiciary on H .B . No. 69

The **purpose** of this bill, as received by your Committee, is to incorporate the Model Determination of Death Act into the Hawaii Revised Statutes and to repeal the existing statutes on Determination of Death.

Your Committee has received testimony from the Department of Health in support of the bill.

Your Committee finds that H .B . No. 69, H .D . 1, is patterned after model legislation recommended by the American Medical Association.

There is a typographical error in section 1, page 2, line 4, regarding licensing requirements for persons who determine death. Here, the original bill refers to chapter 435 of the Hawaii Revised Statutes. The correct reference is chapter 453, Medical Practice Act. Your Committee has amended the bill accordingly.

Your Committee on Judiciary is in accord with the intent and purpose of H .B . No. 69, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 69, H.D. 2.

Signed by all members of the Committee.

SCRep. 510 Public Employment and Government Operations on H .B . No. 1311

The purpose of this bill is to amend Section 92-7, Hawaii Revised Statutes, subsection (b) , by deleting the seventy-two hour public notice filing and posting requirement for meetings of public agencies and to require instead a period to be later specified.

According to testimony heard by your Committee, the current requirement of seventy-two hours is not sufficient for the public to be made aware of forthcoming public hearings; an extension of time beyond the presently required seventy-two hours would be of great help in preparing for such hearings.

Your Committee is in agreement that this bill be amended by inserting the figure of six calendar days, which doubles the current time required. This would allow public agencies sufficient time to distribute hearing notices and allow the public time to view these notices and be aware of scheduled hearings. This would also allow community groups and associations time to contact interested parties and research the upcoming issues.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of H .B . No. 1311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H .B . No. 1311, H .D . 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committnee.

SCRep. 511 Public Employment and Government Operations and Ocean and Marine Resources on H .B . No. 549

The purpose of this bill is to amend Sections 26-15 and 171-3, Hawaii Revised Statutes, to clarify the Department of Land and Natural Resources' functions relating to aquatic life, wildlife and aquaculture programs and to make non-substantive changes to wordings used in these sections.

According to testimony, the amendments are necessary to **finalize** the statutory aspects relating to administrative transfer of the Aquaculture Development Program by the Governor to the Department of Land and Natural Resources from the Department of planning and Economic Development and the recent reorganization of the Department of Land and Natural Resources where the wildlife and aquatic life activities are separated into the Division of Forestry and Wildlife and the Division of Aquatic Resources,

Your Committee on Public Employment and Government Operations and Ocean and Marine Resources is in accord with the intent and purpose of H.B. No. 549 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

NUMBER AND TITLE	Introduced Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action of Governor	Further Action	Act Vetoed No.
HB 1308. A Bill for an Act relating to land dispositions.	178 209	178	253						
HB 1309. A Bill for an Act relating to contractors.	178 209	178							
HB 1310. A Bill for an Act making an appropriation for vision care, eyeglasses, and hearing aids under the Medical Assistance Program.	178 209	178	257						
HB 1311. A Bill for an Act relating to public agency meetings and records.	178 209 285	178	318	350	501			524 563	
HB 1312. A Bill for an Act relating to the Hawaii Insurance Law.	178 209	178							
HB 1313. A Bill for an Act making an appropriation for medical assistance reimbursements to hospital-based nursing facilities.	178 209	178	258 321	335	501			525 563	
HB 1314. A Bill for an Act relating to retirement systems.	178 210								
HB 1315. A Bill for an Act relating to tourism.	178 210	178							

JOURNAL

SENATE

1983

A communication from the House (Hse. Com. No. 267) transmitting House Bill No. 1266, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1266, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 268) transmitting House Bill No. 1294, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1294, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 269) transmitting House Bill No. 1311, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1311, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 270) transmitting House Bill No. 1342, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1342, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 271) transmitting House Bill No. 1363, H.D. 1, which

passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 272) transmitting House Bill No. 1438, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1438, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 273) transmitting House Bill No. 1562, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1562, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 274) transmitting House Bill No. 1580, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1580, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed First Reading by title and was placed on the calendar for further consideration on Wednesday, March 16, 1983.

A communication from the House (Hse. Com. No. 275) transmitting House Bill No. 1621, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, was placed on file.

By unanimous consent. Stand. Corn. Rep. No. 399 and S.B. Ho. 360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF PATIENTS AT FACILITIES FOR TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," were recommitted to the Committee on Ways and Means.

Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, is the recommitment due to the House bill coming over?"

The Chair answered: "Yes, that is correct."

Standing Committee Report No. 400 (S.B. No. 614):

On motion by Senator Yamasaki, seconded by Senator Cayetano and carried, Stand. Corn. Rep. No. 400 was adopted and S.B. No. 614, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS' BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

MATTERS DEFERRED FROM
MARCH 15, 1983

REFERRAL OF
HOUSE BILLS

The President made the following committee assignments of House Bills that were received on Tuesday, March 15, 1983:

House Bills	Referred to:
No. 5, H.D. 1	Committee on Ways and Means
No. 10, H.D. 1	Committee on Judiciary
No. 11, H.D. 1	Committee on Judiciary
No. 20, H.D. 1	Committee on Government Operations and County Relations, then to the Committee on Ways and Means.
No. 42, H.D. 2	Committee on

Agriculture

No. 43, H.D. 2 Committee on Agriculture.

No. 45, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means

No. 61, H.D. 2 Committee on Human Resources

No. 69, H.D. 2 Committee on Health, then to the Committee on Judiciary

No. 81, H.D. 1 Committee on Consumer Protection and Commerce; then to the Committee on Ways and Means

No. 73, H.D. 1 Jointly to the Committee on Ecology, Environment and Recreation and the Committee on Education

No. 95, H.D. 1 Committee on Consumer Protection and Commerce

No. 114, H.D. 2 Committee on Health, then to the Committee on Ways and Means

No. 118, H.D. 1 Committee on Judiciary

No. 170, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means

No. 179, H.D. 2 Committee on Ecology, Environment and Recreation

No. 194, H.D. 1 Committee on Judiciary

No. 201, H.D. 1 Committee on Judiciary

No. 212, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means

No. 223, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means

No. 225, H.D. 1 Committee on Ways and Means

No. 241, H.D. 1 Committee on Judiciary

No. 242, H.D. 1 Committee on Health, then to the Committee on Ways and Means

No. 243 Committee on Health, then to the Committee on Judiciary

No. 1294, H.D. 1 Committee on Judiciary

No. 1311, H.D. 1 Committee on Government Operations and County Relations

No. 1342, H.D. 1 Committee on Judiciary

No. 1363, H.D. 1 Committee on Judiciary

No. 1438, H.D. 1 Committee on Judiciary

No. 1562, H.D. 1 Committee on Judiciary

No. 1580, H.D. 1 Committee on Consumer Protection and Commerce

No. 1621, H.D. 1 Committee on Housing and Urban Development then to the Committee on Ways and Means

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

AFTERNOONSESSION

The Senate reconvened at 2 :00 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRDREADING

Senate Bill No. 605, S.D. 1:

By unanimous consent, action on S.B. No. 605, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 980, S.D. 1:

By unanimous consent, action on S.B. No. 980, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 669, S.D. 1:

By unanimous consent, action on S.B. No. 669, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 969:

By unanimous consent, action on S.B. No. 969 was deferred to the end of the evening calendar.

Senate Bill No. 441, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried. S.B. No. 441, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE

WELFARE OF A MINOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Machida and Young).

Senate Bill No. 1093, S.D. 1:

By unanimous consent, action on S.B. No. 1093, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 1113:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Machida and Young).

Senate Bill No. 1172, S.D. 1:

By unanimous consent, S.B. No. 1172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," was recommitted to the Committee on Judiciary.

Senate Bill No. 248, S.D. 1:

Senator Carpenter moved that S.B. No. 248, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Cayetano rose to speak on the measure as follows:

"Mr. President, I will support this bill; however, I have some reservations which I'd like to express for the record.

"This bill, as I understand it, provides for indirect initiative to all issues except appropriation of public funds and levy of taxes. That means that only issues which are really left to the public to express their feelings on will be basically civil liberties and such items.

"Indirect initiative, if you are going to have it at all, should include all matters which come before us including the appropriation of public funds and the levy of taxes. I'm really very disappointed this is the way the bill had to come out. I'm sorry that such compromises had to be made; however, I will support it."

Senator George, in support of the measure, stated :

WORKERS' COMPENSATION INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Corn. Rep. No. 726) recommending that House Bill No. 389, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 389, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECEIPTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Corn. Rep. No. 727) recommending that House Bill No. 282, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REINSTATEMENT OF A SUSPENDED LICENSE OR PERMIT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Corn. Rep. No. 728) recommending that House Bill No. 1115, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1115, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Corn. Rep. No. 729) recommending that House Bill No. 713, H.D. 1, as amended in S.D. 1, pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Corn. Rep. No. 730) recommending that House Bill No. 768, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 768, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Corn. Rep. No. 731) recommending that House Bill No. 1311, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

ORDER OF THE DAY

THIRDREADING

MATTER DEFERRED FROM MARCH 30, 1983

At 12 :09 o'clock p.m., the Senate stood in recess **subject** to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

House Bill No. 658 :

On motion by Senator Cobb, seconded by Senator Chang and

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

Ayes, 25. Noes, none.

At 2:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:43 o'clock p.m.

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1528, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1528, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 389, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 389, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECEIPTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 282, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REINSTATEMENT OF A SUSPENDED LICENSE OR PERMIT ," having been read throughout passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1115, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1115, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 713, H.D. 1, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Chang and carried, H.B. No. 713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2 :46 o'clock p.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:47 o'clock p.m.

House Bill No. 768, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 768, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS ," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1311, H.D. 1, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie) .

House Bill No. 42, H.D. 2, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 42, H.D. 2, S.D. 1, entitled : "A BILL FOR AN ACT RELATING TO FEED." having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 43, H.D. 2, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 43, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

and Dang as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Hagino and Ajifu as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 488), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1232, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Hirono, Chairman, Apo Leong, Morgado, Tom and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Young, Chairman, Yamasaki and Ajifu as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 489), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1266, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Stanley, Chairman, Taniguchi, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Chang, Chairman, Cobb and George as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 490), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1311, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Albano, Chairman, Graulty, Hayes, Honda, Nakasato, Wong and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Kawasaki, Chairman, Hagino and George as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 491), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1313, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Ige and Kiyabu, Co-Chairman, Baker, Chun, Leong, Morgado, Anderson and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Mizuguchi and A. Kobayashi as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 492), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1340, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, hlatsuura and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Cobb, Chairman, B. Kobayashi, Uwayne and Henderson as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 493), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1342, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 11, 1983, the Speaker appointed Representatives Stanley, Chairman, Baker, Hayes, Tom and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

In accordance therewith, the President appointed Senators Chang, Chairman, Machida and George as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Corn. No. 494), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1363, H.D. 1, and has requested a conference on the subject matter thereof, in con-

Your Committee amended the bill to change the heading of Section 294-35, Hawaii Revised Statutes, to reflect the amendment proposed by this bill and to add quotation marks at the end of the section of the law being amended.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H .B. No. 768, H .D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 768, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Senators Halt, Yamasaki and Soares.

SCRep. 731 Government Operations and County Relations on H.B. No. 1311

The purpose of this bill is to change the required seventy-two hour public notice filing and posting requirement for meetings of public agencies to six calendar days.

Your Committee amended the bill by incorporating new material which would provide for closed meetings of the Council on Revenues and to provide for nondisclosure of confidential tax information which may be presented or discussed. The purpose of the amendment is to allow the Council to meet in private due to the sensitive nature of information that is presented.

Your Committee on Government Operations and County Relations is in accord with the intent and purpose of H .B. No. 1311, H .D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1311, H.D. 1, S .D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Senator Hagino.

SCRep. 732 Agriculture on H.B. No. 42

The purpose of this bill is to provide the Department of Agriculture the authority to sample and test all animal feed, and to remove adulterated feed from distribution.

In recent months, potential health hazards have resulted from pesticide residues in feeds being passed upward through the food chain to consumer products. Presently, Chapter 144, Hawaii Revised Statutes, exempts the feeds involved and certain other feeds from testing for adulteration. This bill would amend Chapter 144 to allow the Department of Agriculture to sample and test all animal feed, other than that of domestic pets, for adulteration and to remove the adulterated feed from the food chain.

This bill also adds a provision for administrative penalties for all violations of Chapter 144 and rules adopted thereunder. The current provision for criminal penalties does not allow the Department to take action immediately once violations are discovered. This amendment will improve the Department's ability to enforce Chapter 144.

Your Committee has amended the bill by making technical changes which have no substantive effect.

Your Committee on Agriculture is in accord with the intent and purpose of H.B. No. 42, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 42, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 733 Agriculture on H.B. No. 43

The purpose of this bill is to amend current statutes to reflect the transfer of the agricultural product promotion and market development functions from the Department of Planning and Economic Development to the Department of Agriculture.

Under current statutes, the Department of Agriculture is not specifically given responsibility for agricultural product promotion and market development. In the past these functions were performed by the Department of Planning and Economic Development. Responsibility for agricultural product promotion and market development was transferred to the Department of Agriculture on April 16, 1982 by Executive Order 82-2 issued by the Governor pursuant to Act 98, Session Laws of Hawaii

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action of Governor	Further Action	Act No. Vetoed
HB 1266. A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION.	359 372	359	497	570	686 958	716 828	893 958	945	187
HB 1285. A BILL FOR AN ACT RELATING TO THE PLACEMENT OF A SCULPTURE AT THE KAUAI STATE OFFICE BUILDING.	350 371 444	350	760	787				941	128
HB 1294. A BILL FOR AN ACT RELATING TO SPOUSE ABUSE.	359 373	359	498	570	845			947	248
HB 1297. A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES.	361 361	361	456	493 565 591					
HB 1304. A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANY GUARANTY ACT.	350 371	350	473	543 556	680 757	781		947	232
HB 1311. A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.	359 373	359	486	560	686				
HB 1313. A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICAL ASSISTANCE REIMBURSEMENTS TO HOSPITAL-BASED NURSING FACILITIES.	350 371	350	454	492 563 590	686				

JOURNAL

HOUSE OF REPRESENTATIVES

1984

Senate in H.B. No. 1729-84, HD 1, SD 2, presented a report (Conf. Corn. Rep. No. 7-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2142-84, HD 1, SD 2, presented a report (Conf. Corn. Rep. No. 8-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2163-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 9-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Chun and Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1932-84, HD 1, SD 2, presented a report (Conf. Corn. Rep. No. 10-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2308-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 11-84) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Corn. Rep. Nos. 3-84 on H.B. No. 2486-84, HD 2, SD 1, CD 1; 4-84 on H.B. No. 2161-84, HD 2, SD 1, CD 1; 5-84 on H.B. No. 788, HD 1, SD 1, CD 1; 6-84 on H.B. No. 1629-84, HD 1, SD 2, CD 1; 7-84 on H.B. No. 1729-84, HD 1, SD 2, CD 1; 8-84 on H.B. No. 2142-84, HD 1, SD 2, CD 1; 9-84 on H.B. No. 2163-84, HD 1, SD 1, CD 1; 10-84 on H.B. No. 1932-84, HD 1, SD 2, CD 1; and 11-84 on H.B. No. 2308-84, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2486-84, HD 2, SD-1, CD 1; 2161-84, HD 2, SD 1, CD 1; 788, HD 1, SD 1, CD 1; 1629-84, HD 1, SD 2, CD 1; 1729-84, HD 1, SD 2, CD 1; 2142-84, HD 1, SD 2, CD 1; 2163-84, HD 1, SD 1,

CD 1; 1932-84, HD 1, SD 2, CD 1; and 2308-84, HD 1, SD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1852-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 12-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1983-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 13-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1863-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 14-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2281-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 15-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1790-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 16-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2012-84, HD 1, SD 1, presented a report (Conf. Corn. Rep. No. 17-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Albano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1311, HD 1, SD 1, presented a report (Conf. Corn. Rep.

No. 18-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the House in S.B. No. 300, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 19-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Say and Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the House in H.B. No. 2108-84, HD 1, SD 1, presented a report. (Conf. Com. Rep. No. 20-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Taniguchi and Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendment.6 proposed by the House in H.B. No. 2337-84, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 21-84) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. Nos. 12-84 on H.B. No. 1852-84, HD 1, SD 1, CD 1; 13-84 on H.B. No. 1983-84, HD 1, SD 1, CD 1; 14-84 on H.B. No. 1863-84, HD 1, SD 1, CD 1; 15-84 on H.B. No. 2281-84, HD 1, SD 1, CD 1; 16-84 on H.B. No. 1790-84, HD 1, SD 1, CD 1; 17-84 on H.B. No. 2012-84, HD 1, SD 1, CD 1; 18-84 on H.B. No. 1311, HD 1, SD 1, CD 1; 19-84 on S.B. No. 300, SD 1, HD 1, CD 1; 20-84 on H.B. No. 2108-84, HD 1, SD 1, CD 1; and 21-84 on H.B. No. 2337-84, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 1852-84, HD 1, SD 1, CD 1; 1983-84, HD 1, SD 1, CD 1; 1863-84, HD 1, SD 1, CD 1; 2281-84, HD 1, SD 1, CD 1; 1790-84, HD 1, SD 1, CD 1; 2012-84, HD 1, SD 1, CD 1; and 1311, HD 1, SD 1, CD 1; S.B. No. 300, SD 1, HD 1, CD 1; H.B. Nos. 2108-84, HD 1, SD 1, CD 1 and 2337-84, HD 1, SD 1, CD 1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Taniguchi and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the

Senate in H.B. No. 1828-84, HD 1, SD 1, presented a report. (Conf. Com. Rep. No. 22-84) recommending to their respective Houses the final passage of the bill with certain recommendations.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendment.6 proposed by the Senate in H.B. No. 2224-84, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 23-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1989-84, SD 1, presented a report (Conf. Com. Rep. No. 24-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendment; proposed by the Senate in H.B. No. 538, HD 1, SD 1, presented a report. Conf. Com. Rep. No. 25-84) recommending to their respective Houses the final passage of the bill with certain amendments.

Representatives Nakasato and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2275-84, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 26-84) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, further action on Conf. Com. Rep. Nos. 22-84 on H.B. No. 1828-84, HD 1, SD 1, CD 1; 23-84 on H.B. No. 2224-84, HD 1, SD 1, CD 1; 24-84 on H.B. No. 1989-84, SD 1, CD 1; 25-84 on H.B. No. 538, HD 1, SD 1, CD 1; and H.B. No. 2275-84, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 1828-84; HD 1, SD 1, CD 1; 2224-84, HD 1, SD 1, CD 1; 1989-84, SD 1; CD 1; 538, HD 1, SD 1, CD 1; and 2275-84, HD 1, SD 1, CD 1, were made available to the members of the House at 4:30 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendment.6 proposed by the House in

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 1863-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 1863-84 had passed Final Reading at 8:29 o'clock p.m.

Conf. Com. Rep. No. 15-84 on H.B. No. 2281-84, HD 1, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and H.B. No. 2281-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

Conf. Com. Rep. No. 16-84 on H.B. No. 1790-84, HD 1, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 1790-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

Conf. Com. Rep. No. 17-84 on H.B. No. 2012-84, HD 1, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and H.B. No. 2012-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. Nos. 2281-84, 1790-84 and 2012-84 had passed Final Reading at 8:30 o'clock p.m.

Conf. Com. Rep. No. 18-84 on H.B. No. 1311, HD 1, SD 1, CD 1:

Representative Tam moved that the report of the Committee be adopted and H.B. No. 1311, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative **Graulty**.

Representative Medeiros then rose and requested that his remarks, in favor of the bill with reservations be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Medeiros's remarks are as follows:

"Mr. Speaker, I am supporting this bill with grave reservations.

I agree wholeheartedly that the public should have as much notice as possible of the hearings of public agencies in order to make arrangements to attend and to prepare **testimony**. However, there are times when these agencies must meet quickly to handle an emergency situation. Although most agencies in this situation are covered under Section 92-8, HRSA, and may hold an emergency meeting without the six calendar days notice if it finds there is an imminent peril to the public health, safety, or welfare. But there are agencies which need to hold emergency meetings and do not fit into the specific exemptions of Section 92-8. It is these agencies I am concerned about."

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

"Mr. Speaker, in essence, this bill is a sunshine bill or an open government bill. Under present State law, government boards and commissions are required to provide public notice of any meeting at least three days before the meeting is held. This bill would enable the general public to be notified of public meetings at least six days before the meeting. The present prior notice requirement of three days is insufficient. **It** is generally known that the mail usually takes anywhere from two to three days to be delivered. Thus, the general public is not allowed sufficient time to prepare to attend public meetings or to voice their opinions on issues which may affect their livelihoods, their communities and their **lifestyles**. Insufficient public notice invites criticism of closed door decisions and discourages citizen participation in

the democratic society of government. Prior to my election into the House of Representatives, I experienced this problem.

In addition to allowing more sufficient notice of government meetings to the general public, the change proposed by this bill would also allow legislators and other government officials to be better informed of upcoming meetings of various boards and commissions who would be allowed to be more effective in communicating with our constituents and represent their concerns.

In the year 1984, it seems especially appropriate to emphasize that the ordinary citizen must not become the victim of a government which mandates and dominates him. We need to be reaffirmed that our democratic system must be based on the principle of government that is of the people, by the people and for the people. For us in Hawaii, the sunshine act would be part of that reaffirmation.

In closing, I ask all of my colleagues to vote yes.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1311, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

Conf. Com. Rep. No. 19-84 on S.B. No. 300, SD 1, HD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.B. No. 300, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS", having been read throughout, passed Final Reading by a vote of 48 eyes to 2 noes, with Representatives Menor and Morgado voting no, end Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 1311 and S.B. No. 300 had passed Final Reading at 8:34 o'clock p.m.

Conf. Com. Rep. No. 20-84 on

H.B. No. 2108-84, HD 1, SD 1, CD 1:

On motion by Representative Crozier, seconded by Representative Matsuura and carried, the report of the Committee was adopted and H.B. No. 2108-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS", having been read throughout, passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Anderson, Ikeda, Isbell, Marumoto and Rohlfing voting no, end Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 2108-84 had passed Final Reading at 8:35 o'clock p.m.

Conf. Com. Rep. No. 21-84 on H.B. No. 2337-84, HD 1, SD 1, CD 1:

Representative Taniguchi moved that the report of the Committee be adopted and H.B. No. 2337-84, HD 1, SD 1, CD 1, having been read throughout, passed Final Reading, seconded by Representative Stanley.

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

"Mr. Speaker, I wish to have it noted, for the record, that I introduced this bill on behalf of the prosecutor of the City and County of Honolulu, and that Representative Taniguchi as Chairman of the Transportation Committee did an excellent job in preparing this bill for final passage."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2337-84, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAIL LIGHTS ON VEHICLES", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Morgado voting no, and Representative Baker being excused.

Conf. Com. Rep. No. 22-84 on H.B. No. 1828-84, HD 1, SD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative Crozier and carried, the report of the Committee was adopted and H.B. No. 1828-84, HD 1, SD 1, CD 1, entitled "A BILL FOR AN ACT RELATING TO HARBORS", having

SIXTIETHDAY

Thursday, April 19, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:45 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Don Gurney representing the Baptist Student Union, after which the Roll was called showing all members present with the exception of Representative Baker, who was excused.

By unanimous consent, reading of the Journal of the Fifty-Ninth Day was deferred.

SENATECOMMUNICATIONS

The following communications from the Senate (Sen. Corn. Nos. 492 to 573) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Corn. No. 492) informing the House that the Senate had reconsidered its action taken on April 17, 1984, to House Bill No. 1800-84, HD1, in passing said bill on Third Reading on April 18, 1984, was placed on file.

A communication from the Senate (Sen. Corn. No. 493) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by House to S.B. No. 1766-84, SD1, was adopted by the Senate and S.B. No. 1766-84, SD1, HD1, CDI, passed Final Reading in the Senate on April 18, 1984, was placed on file.

A communication from the Senate (Sen. Com. No., 494) informing the House that the amendments proposed by the House to Senate Bill No. 1841-84, SD2, were agreed to by the Senate and Senate Bill No. 1841, SD2, HD2, passed Final Reading on April 18, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 495) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by House to S.B. No. 2072-84, SD1, was adopted by the Senate and S.B. No. 2072-84, SD1, HD1, CDI,

passed Final Reading in the Senate on April 18, 1984, was placed on file.

A communication from the Senate (Sen. Corn. No. 496) informing the House that the amendments proposed by the House to Senate Bill No. 2209-84, SD2, were agreed to by the Senate and Senate Bill No. 2209-84, SD2, HD2, passed Final Reading on April 18, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 497) informing the House that the following conference drafts passed Final Reading on April 18, 1984: S B Nos. 300, SD1, HD1, CDI; 26, SD1, HD1, CDI; 29, SD1, HD1, CDI; 1740-84, SD1, HD1, CDI; 1872-84, HD1, CDI; 2049-84, HD1, CDI; 2212-84, SD1, HD1, CDI; 2087-84, SD1, HD1, CDI; 2243-84, SD1, HD1, CDI; 2073-84, SD1, HD1, CDI; 1729-84, SD1, HD1, CDI; 2026-84, SD1, HD1, CDI; 1450-84, SD1, HD1, CDI; 328, SD1, HD1, CDI; 2184-84, SD1, HD1, CDI; 2249-84, SD2, HD2, CDI; 761, HD1, CDI; 934, SD1, HD1, CDI; 1693-84, SD1, HD1, CDI; 1694-84, SD1, HD1, CDI; 1702-84, SD1, HD1, CDI; 1745-84, SD1, HD1, CDI; 1815-84, SD1, HD1, CDI; 1867-84, SD1, HD1, CDI; 2056-84, SD1, HD1, CDI; 2085-84, SD1, HD1, CDI; 1744-84, SD1, HD1, CDI; and House Bill Nos. 2308-84, HD1, SD1, CDI; 2275-84, HD1, SD1, CDI; 2224-84, HD1, SD1, CDI; 1790-84, HD1, SD1, CDI; 2281-84, HD1, SD1, CDI; 2012-84, HD1, SD1, CDI; 1311-84, HD1, SD1, CDI; 1220-84, HD1, SD1, CDI; 1852-84, HD1, SD1, CDI; 1863-84, HD1, SD1, CDI; 1932-84, HD1, SD2, CDI; 2108-84, HD1, SD1, CDI; 1816-84, SD1, CDI; 1912-84, HD2, SD1, CD 1; 1784-84, HD1, SD1, CDI; 1821-84, HD1, SD1, CDI; 2028-84, HD1, SD1, CDI; 2418-84, HD1, SD1, CDI; 1629-84, HD1, SD2, CDI; 1989-84, SD1, CDI; 1729-84, HD1, SD2, CDI; 2163-84, HD1, SD1, CDI; 2143-84, HD1, SD2, CDI; 538, HD1, SD1, CDI; 1796-84, HD2, SD1, CDI; 1799-84, SD1, CDI; 2597-84, SD1, CDI; 177, HD1, SD1, CDI; 271, HD1, SD2, CDI; 267, HD2, SD1, CDI; 2075-84, HD1, SD1, CDI; 2169-84, HD2, SD2, CDI; and 1940-84, HD2, SD1, CDI, was placed on file.

A communication from the Senate (Sen. Com. No. 498) informing the House that the following conference drafts had passed Final Reading on April 19, 1984: House Bill Nos.

him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2477-84, entitled "Relating to Horizontal Property Regimes," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2477-84 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions in Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plsn to return House Bill No. 2477-84 with my objections thereon to the Legislature as provided by said Section 16 of Article 111 of the Constitution.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 6t.h day of June, 1984.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. **Msg. No.** 31 informing the House that on June 6, 1984, he signed the following bill into law:

Senate Bill No. 1835-84 as Act 269, entitled: "RELATING TO INTOXICATING LIQUORS";

and on June 7, 1984, he signed the following bills into law:

Senate Bill No. 2125-84 as Act 270, entitled: "RELATING TO PENSIONER'S BONUS";

House Bill No. 1311 as Act 271, entitled: "RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS";

House Bill No. 2002-84 as Act 272, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2161-84 as Act 273, entitled: "RELATING TO AMENDMENTS TO THE BICYCLE LAWS";

House Bill No. 2268-84 as Act 274, entitled: "RELATING TO THE FAMILY COURTS"; and

House Bill No. 2612-84 as Act. 275, entitled: "RELATING TO ENVIRONMENTAL QUALITY".

Gov. Msg. No. 32 informing t.he House that on June 8, 1984, he signed the following bills into law:

Senate Bill No. 1693-84 as Act 276, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 2108-84 as Act. 277, entitled: "RELATING TO FISHING REGULATIONS";

House Bill No. 2540-84 as Act 278, entitled: "RELATING TO PUBLIC LANDS"; and

House Bill No. 2597-84 as Act 279, entitled: "RELATING TO HOUSING".

Gov. **Msg. No.** 33 returning House Bill No. 2044-84, without his approval, and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 8, 1984

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2044-84

Honorable Members
Twelfth 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. 2044-84, entitled "Relating to Insurance."

The purpose of House Bill No. 2044-84 is to exempt the public employee's health fund from the requirements of Hawaii Revised Statutes chapter 431A and to continue the moratorium imposed upon premium increases in workers' compensation rates.

Section 2 of this bill amends Hawaii Revised Statutes Section 431-694(a) by prohibiting insurance carriers from submitting rate filings until June 1, 1985. However, Hawaii Revised Statutes Section 431-694(a) is not limited in scope to workers' compensation insurance. The statute also applies to rate increases in other lines of casualty insurance. Therefore, while the effect of the proposed amendment would be to prohibit rate increases in workers' compensation insurance, the bill also prohibits rate increases in other lines of casualty insurance. The moratorium on rate increases in other categories of

Senators Cobb, Salling and Soares,
Managers on the part of the Senate.

Conf. Corn. Rep. 16-84 on H.B. No. 1790-84

The purpose of this bill was to allow speedier formation of businesses within the State by simplifying the registration standards used in determining the acceptability of business names and marks.

Sour Committee, upon further consideration, has amended page 8, line 15 to correct a drafting error. Section 482-4(a) Hawaii Revised Statutes, has been amended to read as follows:

“(a) It [is] shall be unlawful for any person to adopt or use a print, label, trademark, service mark, or trade name which is identical to or confusingly similar....”

Your Committee on Conference is in accord with the intent and purpose of H.B. 1790 H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1.

Representatives Shito, Hirono, Taniguchi, Tom, Tungpalan and Ikeda,
Managers on the part of the House.

Senators Cobb, Kawasaki and Soares,
Managers on the part of the Senate.

Conf. Corn. Rep. 17-84 on H.B. No. 2012-84

The purpose of this bill was to require licensed contractors who advertise to include their assigned license number in their advertisements.

Your Committee finds that an effective date upon approval would be unduly burdensome and unrealistic, since telephone advertising solicitation for the 1985 telephone directory has been going on for several months. Your Committee, in fairness to the industry has, upon further consideration, amended the bill by amending Section 3 to read as follows:

“This Act shall take effect on November 1, 1984.”

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 2012-84, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1.

Representatives Shito, Kim, Andrews, Hayes, Taniguchi and Ikeda,
Managers on the part of the House.

Senators Cobb, Salling, Kuroda and Soares,
Managers on the part of the Senate.

Conf. Corn. Rep. 18-84 on H.B. No. 1311

The purpose of this bill is to amend Section 92-7 (b) of the Hawaii Revised Statutes, by expanding the seventy-two hour public notice filing and posting requirement for meetings of public agencies.

According to testimony previously received by your Committee, the current seventy-two hour requirement is not sufficient for the public to be made aware of forthcoming public hearings. Further, an extension of time beyond the present requirement would be of great assistance to individual citizens and community groups and associations in the preparation for public hearings.

Your Committee has amended this bill by deleting the amendment made to Section 37-111(c) which would provide for closed meetings of the Council on Revenues and for the nondisclosure of confidential tax information. In its place, your Committee has reinserted the amendment requiring six calendar days for the filing of notice

of public meetings in lieu of the seventy-two hour requirement currently in Section 92-7(b). In addition, the phrase "in the manner provided herein" in lines 11 and 12 on page one of the bill has been deleted.

Your Committee is in agreement that the above-described amendments which doubles the current time required for filing of hearing notices are consistent with the original bill.

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 1311, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1.

Representatives Albano ,Grauly , Hayes, Honda, Nakasato, Wong and Anderson,
Managers on the part of the House.

Senators Kawasaki, Hagino and George,
Managers on the part of the Senate.

Conf. Com. Rep. 19-84 on S.B. No. 300

The purpose of this bill is to amend Chapter 291, Part II, Hawaii Revised Statutes, by adding a new section to require that automobile alarm systems which emit sounds when activated have an automatic device that terminates the alarm system within ten minutes of activation.

Presently, motor vehicle alarm systems are not subject to any kind of statutory regulation. They frequently malfunction causing many people to suffer through hours of noise and discomfort and police are not authorized to deactivate these alarms.

The main purpose of this bill is to prevent excessive and continuous noise from motor vehicle alarm systems. Your Committee finds that this purpose can best be achieved by requiring registered owners to be responsible for deactivating their alarm systems rather than by prohibiting the sale, purchase or installation of alarm systems which do not automatically terminate within a specified period of time. Therefore, your Committee has amended S.B. No. 300, S.D. 1, H.D. 1, by:

1. Amending subsection (b) to provide that registered owners shall be fined if their motor vehicle alarm systems are activated for more than five continuous minutes. Presently, subsection (b) prohibits the purchase, sale or installation of motor vehicle alarm systems which do not automatically terminate within ten minutes.

2. Amending subsection (b) to decrease the time period during which motor vehicle alarm systems may legally emit sound from ten to five minutes.

3. Amending subsection (b) to provide that fines for violations of this new section shall be "not more than \$100".

Your Committee believes that courts should have discretion in assessing fines for violations of this new section since- there may be times when alarm system malfunctions may be caused by the illegal acts of others and finds that this penalty provision provides such flexibility.

4. Deleting subsections (c) and (d) since these provisions are applicable only where there is a prohibition against the sale, purchase or installation of certain types of alarm systems.

5. Deleting the instruction that this new section shall be included in part II of Chapter 291, Hawaii Revised Statutes.

Your Committee believes that this bill, as amended, can afford residents with some relief from the frequent malfunctioning of vehicle alarm systems and at the same time takes into consideration the concerns of victims whose alarm systems are damaged by the illegal acts of others.

Your Committee on Conference is in accord with the intent and purpose of S.B. No. 300, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 300, S.D. 1, H.D. 1, C.D. 1.

NUMBER AND TITLE	Introduced First Reading Referred	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action Governor	Further Action	Act Vetoed No.
HB 1310. A Bill for an Act making an appropriation for vision care, eyeglasses, and hearing aids under the Medical Assistance Program.								
HB 1311. A Bill for an Act relating to public agency meetings and records.					560	594 618	671	271
HB 1312. A Bill for an Act relating to the Hawaii insurance law.								
HB 1313. A Bill for an Act making an appropriation for medical assistance reimbursements to hospital-based nursing facilities.								
HB 1314. A Bill for an Act relating to retirement systems.								
HB 1315. A Bill for an Act relating to tourism.								
HB 1316. A Bill for an Act relating to land readjustment.								
HB 1318. A Bill for an Act relating to the Uniform Probate Code.								

JOURNAL

SENATE

1984

messages and departmental communications today.

"The Chair would like to make two announcements at this time. First, the introduction of bills will commence this afternoon. An informational memo about this is being distributed to your offices at the present time.

"Secondly, all bills returned to the Clerk's office at the end of the 1983 session are herewith returned back to the committees which had them last.

"For the record, all referrals are being made in accordance with the existing committee structure. However, I'm still hopeful that some kind of reconciliation among the Senate Democrats can be achieved. Also, the consolidation of some of the Senate committees is being worked on. Thus, I want to notify everyone that should there be any changes made to the committee structure in the next few days, appropriate re-referrals will be made."

INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, February 2, 1984:

Senate Bills

No. 1492-84 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1983 TO JUNE 30, 1985."

Introduced by: Senator Wong, by request.

No. 1493-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Wong, by request.

No. 1494-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Wong, by request.

No. 1495-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE."

Introduced by: Senator Wong, by request.

No. 1496-84 "A BILL FOR AN ACT RELATING TO NAMES."

Introduced by: Senator Wong, by request.

No. 1497-84 "A BILL FOR AN ACT RELATING TO NAMES."

Introduced by: Senator Wong, by request.

No. 1498-84 "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS."

Introduced by: Senator Wong, by request.

No. 1499-84 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES."

Introduced by: Senator Wong, by request.

No. 1500-84 "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND."

Introduced by: Senator Wong, by request.

No. 1501-84 "A BILL FOR AN ACT RELATING TO DEPOSITS TO ACCOMPANY BIDS."

Introduced by: Senator Wong, by request.

No. 1502-84 "A BILL FOR AN ACT RELATING TO FEED."

Introduced by: Senator Wong, by request.

No. 1503-84 "A BILL FOR AN ACT RELATING TO GASOLINE."

Introduced by: Senator Wong, by request.

No. 1504-84 "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW."

Introduced by: Senator Wong, by request.

No. 1505-84 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senator Wong, by request.

No. 1506-84 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1790-84, H.D. 1, presented a report (Conf. Corn. Rep. No. 12-84) recommending that H.B. No. 1790-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 12-84 and H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2281-84, H.D. 1, presented a report (Conf. Corn. Rep. No. 13-84) recommending that H.B. No. 2281-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 13-84 and H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2012-84, H.D. 1, presented a report (Conf. Corn. Rep. No. 14-84) recommending that H.B. No. 2012-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 14-84 and H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred for a period of 48 hours.

Senator Kawasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1311, H.D. 1, presented a report (Conf. Corn. Rep. No. 15-84) recommending that H.B. No. 1311, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn.

Rep. No. 15-84 and H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1220, H.D. 1, presented a report (Conf. Corn. Rep. No. 16-84) recommending that H.B. No. 1220, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 16-84 and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," was **deferred** for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1852-84, H.D. 1, presented a report (Conf. Corn. Rep. No. 17-84) recommending that H. B. No. 1852-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 17-84 and H.B. No. 1852-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESSERTION AND NONSUPPORT ACT (MODIFIED)," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1863-84, H.D. 1, presented a report (Conf. Corn. Rep. No. 18-84) recommending that H.B. No. 1863-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Corn. Rep. No. 18-84 and H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill

Conference Committee Report No. 13-84 (H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Corn. Rep. No. 13-84 was adopted and H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 14-84 (H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Corn. Rep. No. 14-84 was adopted and H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 15-84 (H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Corn. Rep. No. 15-84 was adopted and H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 16-84 (H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Corn. Rep. No. 16-84 was adopted and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 17-84 (H.B. No. 1852-84, H.D. 1,

S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 17-84 was adopted and H.B. No. 1852-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 18-84 (H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Corn. Rep. No. 18-84 be adopted and H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie then rose to inquire as follows:

"Mr. President, I just have an inquiry of form. Is the bill in the correct form with the underlining on line 7 and line 11? Is that simply to take out the word 'he'?"

At 9:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:45 o'clock p.m.

Senator Abercrombie then continued: "Mr. President, I think the chairman of the Judiciary Committee can clear my question with a statement for the record."

Senator Chang responded: "Mr. President, the question was raised as to whether the word 'he' was intended to be deleted or inserted on line 7 and line 11 of this particular bill. The answer to that question is that the word 'he' is being inserted.

"The question was further raised as to whether this insertion of the word 'he' was appropriate inasmuch as the Legislature has been engaged in the process of degenderizing our statutes and my answer to that question was that in this particular case your conference committees had addressed themselves to the particular statutory reference on line 12 where Chapter 585 was incorrectly referred to, where it should have referred to Chapter 586. And the House conferees were reluctant to take up

which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

June 6, 1984

STATEMENT OF OBJECTIONS TO
HOUSE BILL NO. 2477-84

Honorable Members
Twelfth 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. 2477-84, entitled ‘Relating to Horizontal Property Regimes.’

House Bill No. 2477-84 would amend section 514A-82(1), Hawaii Revised Statutes (‘HRS’) to address potential situations of mathematical impossibilities in the current law which require the terms of at least one-third of the directors of a condominium association’s board to expire each year. This bill would provide that when the number of persons constituting the board is not a multiple of three, the terms of that number of directors nearest to representing one-third of the directors shall expire annually.

Senate Bill No. 2085-84, which became law on May 18, 1984, as Act 112 with the Governor’s approval, amends section 514A-82(1), HRS, among other provisions. Act 112 repeals the existing clause requiring that the terms of at least one-third of the directors expire annually; the Act replaces it with a requirement that condominiums with more than one hundred individual apartment units shall have an elected board of not less than nine members, unless not less than seventy-five per cent of all apartment owners vote to set the minimum number of directors at less than nine. The Act also adds a provision setting the initial term of office at either three years, or as specified by the bylaws, or until the directors’ successors are elected or appointed.

Since Act 112 repealed that part of section 514A-82, HRS, amended by House Bill No. 2477-84, Act 112 renders the amendments of House Bill No. 2477-84 moot.

For the foregoing reasons, I am returning House bill No. 2477-84 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
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. 2477-84, entitled ‘Relating to Horizontal Property Regimes,’ passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2477-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, 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. 2477-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June,
1984.

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii.”

Gov. Msg. No. 351 informing the Senate that he signed the following bills into law on the dates indicated:

June 6, 1984:

Senate Bill No. 1835-84 as Act 269,
entitled: “RELATING TO
INTOXICATING LIQUORS.”

June 7, 1984:

Senate Bill No. 2125-84 as Act 270,
entitled: “RELATING TO
PENSIONER’S BONUS.”

House Bill No. 1311 as Act 271,
entitled: “RELATING TO PUBLIC
AGENCY MEETINGS AND
RECORDS”:

Your Committee further amended the bill by making nonsubstantive changes.

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 2281-84, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1.

Senators Cobb, Fernandes Salling and Soares
Managers on the part of the Senate

Representatives Shito, Kim, Hayes, Hirono, Andrews and Ikeda
Managers on the part of the House

Conf. Corn. Rep. No. 14-84 on H.B. No. 2012-84

The purpose of this bill was to require licensed contractors who advertise to include their assigned license number in their advertisements.

Your Committee finds that an effective date upon approval would be unduly burdensome and unrealistic, since telephone advertising solicitation for the 1985 telephone directory has been going on for several months. Your Committee, in fairness to the industry has, upon further consideration, amended the bill by amending Section 3 to read as follows:

"This Act shall take effect on November 1, 1984."

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 2012-84, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1.

Senators Cobb, Fernandes Salling Kuroda and Soares
Managers on the part of the Senate

Representatives Shito, Kim, Andrews, Hayes, Taniguchi and Ikeda
Managers on the part of the House

Conf. Corn. Rep. No. 15-84 on H.B. No. 1311

The purpose of this bill is to amend Section 92-7 (b) of the Hawaii Revised Statutes, by expanding the seventy-two hour public notice filing and posting requirement for meetings of public agencies.

According to testimony previously received by your Committee, the current seventy-two hour requirement is not sufficient for the public to be made aware of forthcoming public hearings. Further, an extension of time beyond the present requirement would be of great assistance to individual citizens and community groups and associations in the preparation for public hearings.

Your Committee has amended this bill by deleting the amendment made to Section 37-111(c) which would provide for closed meetings of the Council on Revenues and for the nondisclosure of confidential tax information. In its place, your Committee has reinserted the amendment requiring six calendar days for the filing of notice of public meetings in lieu of the seventy-two hour requirement currently in Section 92-7(b). In addition, the phrase "in the manner provided herein" in lines 11 and 12 on page one of the bill has been deleted.

Your Committee on Conference is in accord with the intent and purpose of H.B. No. 1311, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1.

Senators Kawasaki, Hagino and George
Managers on the part of the Senate

Representatives Albano, Gaulty, Hayes, Honda, Nakasato, Wong
and Anderson
Managers on the part of the House

SENATE JOURNAL - HISTORY

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Third Action of House	Conference Committee	Final Action of Governor	Further Action	Act No.	Vetoed
HB 1220. A BILL FOR AN ACT RELATING TO THE COSTS OF COURT.	370 370	370	487	514	586	598 615 672	755	857		857
HB 1297. A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE Revenue BONDS FOR HEALTH CARE FACILITIES.	48			300 357			843		153	
HB 1311. A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.	48					672	755	849	271	
HB 1313. A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICAL ASSISTANCE REIMBURSEMENTS TO HOSPITAL-BASED NURSING FACILITIES.	48									
HB 1319. A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS.	370 370	370	441	478 503	586	616 625				
HB 1339. A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF NEGOTIATED BETWEEN RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII AND HAWAJJAN DREDGING AND CONSTRUCTION COMPANY.	48									

Chapter 3

SHORTCUTS IN LEGISLATIVE RESEARCH

Unfortunately, there are few shortcuts to the process of legislative research discussed in chapter 2. One which was mentioned is the use of the ten-year compilations to narrow down the search. These compilations may be used to bracket the amendment which is being researched. For example, by checking the Revised Laws of Hawaii 1955 and the first publication of the *Hawaii Revised Statutes* in 1968, one may determine that an amendment being sought for occurred during the period between 1955 and 1967. If such a determination can be made, then only the session laws and legislative journals for that period need to be reviewed.

The compilations which are usually used are the Penal Code of 1850, Civil Code of 1859, Compiled Laws 1884, Civil Laws 1897, Penal Code 1897, and the Revised Laws of Hawaii 1905, 1915, 1925, 1935, 1945, and 1955. The *Hawaii Revised Statutes* was first issued in 1968 and contained the Revised Laws of Hawaii 1955 and all session law amendments through 1967; the 1976 replacement of the *Hawaii Revised Statutes* contained all session law amendments through 1976; the 1985 replacement of the *Hawaii Revised Statutes* contained all session law amendments through 1985; and the 1993 replacement of the *Hawaii Revised Statutes* contains all session law amendments through 1993.

Certain Session Law references appear in source notes throughout the *Hawaii Revised Statutes* which are not relevant to a substantive legislative amendment (*i.e.*, an amendment which changes the meaning of a section) and legislative history research for those references may be unnecessary. If such Session Law references appear in a *Hawaii Revised Statutes* section for which they carry substantive relevance, they should be researched. The researcher must determine what is and what is not a substantive amendment and facility with this aspect of legislative research will come with practice.

For example: am L Sp 1959 2d, c 1, §11, tells the researcher that the Session Laws of Hawaii 1959, Second Special Session, Act 1, section 11, created the Department of Personnel Services. For substantive legislative history, this section is compiled at §26-5, *Hawaii Revised Statutes*. The Revisor of Statutes also has inserted this reference wherever the “Department of Personnel Services” was substituted for the “Department of Civil Service” in a statute. Such an insertion tells the researcher that a change was made and legally supports the change. In researching legislative history, such name or word changes usually are not of interest to the legislative researcher concerned with substantive amendments made to a *Hawaii Revised Statutes* section.

The following is a listing of the most often used of these Session Law references and the word changes made.

1. am L Sp 1959 2d, c 1, §11

Substituted the Department of Personnel Services for the Personnel Classification Board, the Department of Civil Service, and the Loyalty Board and the Director of Personnel Services for the Personnel Director.

2. am L Sp 1959 2d, c 1, §12

Substituted the Department of Accounting and General Services for the Board of Commissioners of Public Archives, the Disposal Committee, the Bureau of the Budget, and the Department of Public Works.

3. am L Sp 1959 2d, c 1, §14

Substituted the Department of Budget and Review for the Bureau of the Budget and the Director of the Budget for the Director of the Bureau of Budget.

4. am L Sp 1959 2d, c 1, §15

Substituted the Department of Treasury and Regulation for the Treasury Department and the Treasurer for the Treasurer of the Territory.

5. am L Sp 1959 2d, c 1, §16

Substituted the Department of Taxation for the Office of Tax Commissioner and the Director of Taxation for the Tax Commissioner.

6. am L Sp 1959 2d, c 1, §18

Substituted the Department of Education for the Department of Public Instruction.

7. am L Sp 1959 2d, c 1, §19

Substituted the Department of Health for the Board of Health and the Director of Health for the President of the Board of Health.

8. am L Sp 1959 2d, c 1, §20

Substituted the Department of Social Services for the Department of Public Welfare, the Department of Institutions, and the Bureau of Sight Conservation. Substituted the Director of Social Services for the Director of the Department of Public Welfare and the Department of Public Institutions.

9. am L Sp 1959 2d, c 1, §21

Substituted the Department of Land and Natural Resources and the Board of Land and Natural Resources, where appropriate for the Board of Public Lands, the Hawaii Water Authority, the Commission on Groundwater Resources, the Hawaii Land Development Authority, and the Commission on Historical Sites.

Substituted the Director of Land and Natural Resources for the head of the appropriate preceding bodies.

10. am L Sp 1959 2d, c 1, §22

Substituted the Department of Agriculture and Conservation for the Board of Commissioners of Agriculture and Forestry and the Hawaii Soil Conservation Committee. Substituted the Director of Agriculture and Conservation for the head of the appropriate preceding bodies.

11. am L Sp 1959 2d, c 1, §25

Substituted the Department of Economic Development for the Board of Commissioners of Agriculture and Forestry, Farm Loan Board, Economic Planning and Coordination Authority, and the Planning Office. Substituted the Director of Economic Development for the heads of the preceding bodies.

12. am L Sp 1959 2d, c 1, §26

Substituted the Department of Transportation for the Hawaii Aeronautic Commission, the Board of Harbor Commissioners, and the Highway Commission. Substituted the Director of Transportation for the heads of the preceding bodies.

13. am L Sp 1959 2d, c 1, §28

Substituted the Department of Defense for the Military Department.

14. am L 1961, c 132, §2

Substituted the Department of Agriculture for the Department of Agriculture and Conservation, the Board of Agriculture for the Board of Agriculture and Conservation, and the Director of Agriculture for the Director of Agriculture and Conservation.

15. am L 1963, c 2, §3

Substituted the Department of Planning and Economic Development for the Departments of Planning and of Economic Development and the Director of Planning and Economic Development for the Directors of Planning and of Economic Development.

16. am L 1963, c 10, §2

Substituted the Chairman of the Board of Land and Natural Resources for the Director of Land and Natural Resources.

17. am L 1963, c 114, §1

Substituted the Department of Budget and Finance for the Department of Budget and Review and the Director of Finance for the Director of Budget and Review.

18. am L 1963, c 114, §3
Substituted the Department of Regulatory Agencies for the Department of Treasury and Regulation and the Director of Regulatory Agencies for the Treasurer.
19. am L 1963, c 206, §2
Substituted the Chairman of the Board of Agriculture for the Director of Agriculture.
20. am L 1970, c 105, §5
Substituted the Department of Social Services and Housing for the Department of Social Services.
21. am L 1975, c 41, §1
Substituted Workers' Compensation for Workmen's Compensation.
22. am L 1977, c 191, §2; am L 1983, c 124, §15
Substituted Firefighter and Police Officer for Fireman and Policeman.
23. am L 1982, c 204, §8; am L 1983, c 124, §16
Substituted the Department of Commerce and Consumer Affairs for the Department of Regulatory Agencies and the Director of Commerce and Consumer Affairs for the Director of Regulatory Agencies.
24. am imp L 1984, c 90, §1
Substituted the appropriate noun for he, his, him, himself, she, her, hers, and herself.
25. am L 1985, c 269 (various sections)
Substituted Commissioner of Financial Institutions for Bank Examiner, Director, and Director of Regulatory Agencies.
26. am L 1987, c 336, §7
Substituted the Department of Business and Economic Development for the Department of Planning and Economic Development and the Director of Business and Economic Development for the Director of Planning and Economic Development.

27. am L 1987, c 338, §10

Substituted the Department of Corrections for the Department of Social Services and Housing and the Director of Corrections for the Director of Social Services.

28. am L 1987, c 339, §4

Substituted the Department of Human Services for the Department of Social Services and Housing and the Director of Human Services for the Director of Social Services.

29. am L 1989, c 211, §8

Substituted the Department of Public Safety for the Department of Corrections and the Director of Public Safety for the Director of Corrections.

30. am L 1989, c 211, §9

Substituted the Department of Public Safety for the Department of Social Services and Housing and the Director of Public Safety for the Director of Social Services.

31. am L 1989, c 211, §10

Substituted the Director of Public Safety or the Department of Public Safety for Sheriff, Sheriffs, or the Office of the Sheriff.

32. am L 1989, c 266, §3

Substituted financial services loan, Financial Services Loan, or a financial services loan for industrial loan, Industrial Loan, or an industrial loan.

33. am L 1989, c 266, §4

Substituted financial services loan company or financial services loan companies for industrial loan and investment company or industrial loan and investment companies.

34. am L 1990, c 281, §11

Repeals L 1989, c 211, §10 (see item 31).

35. am L 1990, c 293, §8

Substituted the Department of Business, Economic Development, and Tourism for the Department of Business and Economic Development and the Director of Business, Economic Development, and Tourism for the Director of Business and Economic Development.

36. am L 1994, c 56, §21

Substituted the Department of Human Resources Development for the Department of Personnel Services and the Director of Human Resources Development for the Director of Personnel Services.

37. gen ch 1985 (or any year after 1985)

Delete item 24 “am imp L 1984, c 90, §1”. “gen ch” stands for gender change. Substituted the appropriate noun for he, his, him, himself, she, her, hers, herself, salesman, chairman, and similar gender specific terms. Generally, substitution made in 1985, but may be made in any later year. Basis for change is L 1984, c 90, §1.

38. am L 1996, c 299, §3

Substituted the Office of Planning for the Office of State Planning and the Director of the Office of Planning for the Director of the Office of State Planning.

39. am L 1997, c 350, §14

Substituted the Housing and Community Development Corporation of Hawaii for the Housing Finance and Development Corporation and for the Hawaii Housing Authority.

40. am L 2000, c 253, §150

Substituted Chapter 76 for Chapters 76 and 77.

The 1959 citations concern the reorganization of Hawaii government after statehood. Since Hawaii reduced some eighty plus bureaus, commissions, and agencies upon statehood to seventeen departments with different names, the 1959 citations occur in section source notes throughout the *Hawaii Revised Statutes*.

While the following cannot be considered a nonsubstantive amendment, it occurs in source notes throughout the *Hawaii Revised Statutes* and the legislative researcher may not wish to review the legislation if interested in other amendments to a statute.

1. am L 1997, c 383, §§5 to 71

Generally, added reciprocal beneficiary to the statute amended. In particular, section 19 substituted spouse or reciprocal beneficiary or like terms for spouse or like terms in numerous sections in chapter 560.

2. am L 1998, c 2, §§3 to 110

Substituted Public Notice for publication, published in a newspaper of general circulation, etc. See §1-28.5, *Hawaii Revised Statutes*, for public notice requirements.

Chapter 4

REPEALS AND REENACTMENTS, TEMPORARY SESSION LAW MATERIAL

Part I. Repeals and Reenactments (R&Rs)

Introduction

For years the legislature has forced review of legislation by enacting new provisions and providing for their repeal (sunsetting) after a number of years. Until 1986, this did not occur too often. In 1986 the legislature added an automatic reenactment provision whenever a repealer was used (these became known informally as "R&R provisions"). In this way, if the legislature failed to eliminate the repeal, the old provisions of law would become operative. Otherwise, if the underlying statute was found to be repealed when the Act "dropped dead", there would be no law in place. For further discussion of this problem, see the most recent version of the Hawaii Legislative Drafting Manual.

R&R Chains; Notations in Statutes

An interesting development in the use of R&Rs is that the legislature increasingly has extended repealers many times. The chain of R&Rs to section 40-2, *Hawaii Revised Statutes*, provides an example.

L 1986, c 321, §12 enacted new provisions and repealed them on 6/30/89.

L 1987, c 283, §69 added a reenactment provision to revive the old language if the repeal was not deleted.

L 1989, c 371, §7 extended the repeal to 6/30/94.

L 1991, c 163, §3 amended the reenactment provision.

L 1993, c 314, §2 extended the repeal to 6/30/98.

L 1997, c 180, §1 extended the repeal to 6/30/2000.

L 1998, c 115, §24 extended the repeal to 6/30/2005.

Until recently, the Revisor of Statutes handled these R&R provisions through Notes either italicized in the statute or in a Note at the end of the statute. For example, section 36-30, *Hawaii Revised Statutes*, contained this Note in italics after subsection (a):

§36-30 Special fund reimbursements for departmental administrative expenses. (a) *[Repeal and reenactment on June 30, 2000. L 1997, c 216, §13.]* Each special fund, except the: * * *

This Note meant that subsection (a) would be repealed and reenacted on June 30, 2000, pursuant to Act 216, Session Laws of Hawaii 1997. The notes are placed after the title of the section if the whole section is to be repealed and reenacted. Another example is section 36-27, *Hawaii Revised Statutes*, where the note was placed in paragraph (10):

- (10) [Repeal and reenactment on June 30, 2000. L 1997, c 216, §13.]
Domestic violence prevention special fund under section 321-1.3;

This Note signaled that paragraph (10) of section 36-27, *Hawaii Revised Statutes*, would be repealed and reenacted on June 30, 2000.

Where the section is not set forth in the supplement, the Revisor is using a Note to signal R&Rs. For example, the Note in the 2000 supplement for section 40-2, *Hawaii Revised Statutes*, reads:

Note

Repeal and reenactment on June 30, 1998 extended to June 30, 2005. L 1986, c 321, §12, L 1987, c 283, §69; L 1989, c 371, §7; L 1991, c 163, §3; L 1993, c 314, §2; L Sp 1993, c 8, §22; L 1997 c 180, §1; L 1998, c 115, §24.

Once the R&R occurs or the repeal is deleted, the Revisor's Notes in the section or at the end of the section are also deleted. In order to assist statutory research, the Revisor has started to place the R&R reference in the Source Note at the end of the section. The reference to R&Rs in a Source Note will be inserted upon the maturity of the R&R. Maturity means that no further changes will be made to the R&R because it either has taken effect or been deleted. For example, the R&R chain for section 40-2, *Hawaii Revised Statutes*, will continue to be shown in a Note to the section until June 30, 2005. If on June 30, 2005, the old statutory language is reenacted or if the June 30, 2005, repeal date is deleted and not extended, then the chain of R&Rs for section 40-2, *Hawaii Revised Statutes*, will have matured, and therefore will be placed in the Source Note of the section. Thus, the Source Note to section 40-2, *Hawaii Revised Statutes*, upon maturity of the R&R might read as follows:

[L 1898, c 39, §10; RL 1925, §1437; am L 1927, c 219, §3; RL 1935, §564; RL 1945, §1568; RL 1955, §34-17; am L 1957, c 152, §1; am L 1959, c 151, §1; am L Sp 1959 2d, c 1, §14; am L 1963, c 114, §1; HRS §40-2; am L 1974, c 159, §5; am L 1986, c 321, §§5, 12; am L 1987, c 283, §69; am L 1989, c 371, §7; am L 1991, c 163, §3; am L 1993, c 314, §2; am L Sp 1993, c 8, §22; am L 1997, c 180, §1; am L 1998, c 115, §24]

Note that from L 1986, c 321, §12, the remaining references are to R&R legislation. If any substantive amendments occurred before June 30, 2005, they, of course, would be added to the Source Note.

In order to recognize R&R legislation, the following examples may be of help.

- (1) A repealer or sunset provision from L 1997, c 299, §4:

SECTION 4. This Act shall take effect upon its approval and shall be repealed on December 31, 2000.

- (2) The deletion of a repealer from L 1998, c 273, §3:

SECTION 3. Act 299, Session Laws of Hawaii 1997, is amended by amending section 4 to read as follows:

“**SECTION 4.** This Act shall take effect upon its approval [and shall be repealed on December 31, 2000].”

- (3) A repeal and reenactment from L 1997, c 118, §6:

SECTION 6. This Act shall take effect upon its approval and be repealed on June 30, 1998; provided that sections 157-1, 157-13, 157-33, and 157-34, Hawaii Revised Statutes, are reenacted in the form in which they read on the day before the approval of this Act.

- (4) A deletion of the repeal and reenactment from L 1998, c 19, §1:

SECTION 1. Act 118, Session Laws of Hawaii 1997, is amended by amending section 6 to read as follows:

“**SECTION 6.** This Act shall take effect upon its approval [and be repealed on June 30, 1998; provided that sections 157-1, 157-13, 157-33, and 157-34, Hawaii Revised Statutes, are reenacted in the form in which they read on the day before the approval of this Act].”

- (5) A repeal extension from L 1995, c 174, §2:

SECTION 2. Act 231, Session Laws of Hawaii 1992, is amended by amending section 6 to read as follows:

“**SECTION 6.** This Act shall take effect on September 1, 1992, and shall be repealed on [June 30, 1995.] June 30, 1998.”

Exceptions from R&Rs

There is a downside to R&Rs, however, since intervening substantive amendments to the statute are also repealed when a repeal and reenactment occurs, and the statute thus reverts to the form in which it existed at an earlier date. For example, see section 103-22, *Hawaii Revised Statutes*, which was amended by Act 229, Session Laws of Hawaii 1987, with a repeal and reenactment in 1991. The legislature failed to pass a bill to prevent the R&R and as a result substantive amendments to section 103-22, *Hawaii Revised Statutes*, made in 1987, 1988, 1989, and 1990 were eliminated. The legislature acted at the next legislative session to reenact all of the repealed provisions.

Legislative drafters now protect later amendments from earlier R&Rs. Two methods are used. One is to amend the Session Law which contains the R&R to provide that it does not affect the later amendment. An example from L 1999, c 163, §18:

SECTION 18. Act 142, Session Laws of Hawaii 1998, is amended by amending section 9 to read as follows:

“**SECTION 9.** This Act shall take effect upon its approval and shall be repealed on July 31, 2003, except that section 3 of this Act shall not be repealed; provided that sections 36-27 and 397-5(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act[.]; and provided further that the amendments made to section 36-27, Hawaii Revised Statutes, by section 8 of Act 163, Session Laws of Hawaii 1999, shall be retained.”

Another method found in a Session Law making a substantive amendment to a section in the *Hawaii Revised Statutes* is to provide that an earlier R&R does not affect the substantive amendments. An example from L 1999, c 135, §7:

SECTION 7. This Act shall take effect on July 1, 1999; provided that:

- (1) The amendments made to sections 36-27 and 36-30, Hawaii Revised Statutes, by this Act shall not be repealed when those sections are reenacted on July 1, 2000, pursuant to section 13 of Act 216, Session Laws of Hawaii 1997; and
- (2) The amendments made to section 37-27, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 31, 2003, pursuant to section 9 of Act 142, Session Laws of Hawaii 1998.

These R&R exceptions now constitute a continual activity for the legislative drafter. References to R&R exceptions are **not** included in Source Notes at the end of sections. In order to find R&R exceptions:

- (1) A legislative researcher must be aware that an R&R applies to a section in the *Hawaii Revised Statutes*. This is easy to determine since the Revisor of Statutes adds Notes within a section or at the end of a section.
- (2) Next, the legislative researcher locates the substantive amendment made to the section in the Source Note and then goes to the Session Law containing the substantive amendment.
- (3) Since the researcher knows from paragraph (1) that an R&R applies to a section in the *Hawaii Revised Statutes*, the legislative researcher must check the rest of the Session Laws to determine if the new amendments are excepted from the R&R.

Another way of determining if R&R exceptions exist is to check the Sections Affected Table at the end of each volume of Session Laws to find Acts amending earlier Session Laws. For example, the Sections Affected Table in the 1999 Session Laws contains references under Laws 1998, Act 142 to Act 163 of 1999 and under Laws 1997, Act 216 to Act 135 of 1999.

Unfortunately, if the R&R has matured or been eliminated, the Revisor’s Notes within a section or at the end of a section will be deleted. In this case, the legislative researcher can still perform either research method, but without the assistance of the Revisor’s Notes, or if the Revisor has inserted an R&R reference in the source notes, those references can be checked.

Impact of R&Rs

In order to provide a feeling for the extent R&Rs are used, the Revisor of Statutes maintains a list of more than forty pages to keep track of R&Rs.

Part II. Temporary Session Law Material

It is common for the legislature to enact temporary provisions that are effective for a few years. In some cases, like R&Rs, however, these temporary provisions are extended for a further period of time. These provisions are not codified in the *Hawaii Revised Statutes*, as the Statutes consist of "...laws of a general and permanent nature...", see section 23G-14, *Hawaii Revised Statutes* (emphasis added). An Act that provides for its own repeal after (for example) five years is not permanent, and therefore, usually not codified.

Finding these temporary legislative provisions can range in difficulty. The Revisor of Statutes does place notes in the *Hawaii Revised Statutes* at subject matter related provisions to assist the researcher to find these temporary provisions. In finding these notes, it helps to think about the provision as it might be indexed. There are no index entries, however, to assist the researcher, and there are no notes for provisions that are only in effect for one year. Notes are deleted when the provisions expire.

To give the researcher a flavor of the provisions receiving this treatment, the following discusses two of these temporary provisions.

1. Act 190, Session Laws of Hawaii 1996, repealed on June 30, 1999, extended by Act 101, Session Laws of Hawaii 1999, to June 30, 2003.

This Act provides for a conclusive presumption relating to the duty of public entities to warn of dangers at public beach parks. It further provides that proper signs warning of dangerous natural conditions shall be presumed to adequately warn of those conditions.

The note for this Act is found at each of the following locations:

- (1) Chapter 46, Hawaii Revised Statutes (HRS), general provisions for counties;
- (2) Section 46-12.5, HRS, state beach park lifeguard services;
- (3) Chapter 171, HRS, public lands, management, and disposition;
- (4) Chapter 200, HRS, ocean recreation and coastal area programs;
- (5) Section 486K-5.5, HRS, hotelkeeper's liability limited for certain beach and ocean activities; and
- (6) Chapter 663, HRS, tort actions.

2. Act 77, Session Laws of Hawaii 1997, repealed on June 30, 2001, extended by Act 60, Session Laws of Hawaii 2000, to June 30, 2010.

This Act provides for early education and care. It allows any state agency to contract with a private nonprofit corporation to coordinate policy, distribute public funds, and implement community plans relating to early childhood education and care. A board of directors, community councils and interdepartmental councils are provided.

The note for this Act is found at each of the following locations:

- (1) Chapter 302A, Hawaii Revised Statutes (HRS), relating to education;
- (2) Chapter 321, HRS, health;
- (3) Chapter 321D, HRS, interdepartmental cluster for services to children; and
- (4) Section 346-151, HRS, definitions for the child care facilities law.

Another method of finding these temporary provisions is to review the index of each Session Law until it is found or call the Revisor of Statutes.

If the researcher has access to a computer, then it may be easier to find the appropriate session law.

- Go to the Hawaii State Legislative Website (<http://www.capitol.hawaii.gov>)
- Click on Status and Documents
- Enter search in “Search the HRS text for”

If “public beach parks” is entered, then the search result would be similar to the presentation for number 1 above. The note would be shown, as well as, the Session Laws citation and the place of the note.

Chapter 5

SESSION LAWS, USEFUL TABLES, AND CODIFICATIONS

Part I. Session Laws

The method of publishing the Session Laws has changed with time and the person responsible for their publication. Most Session Laws contain acts in numerical sequence starting with the number 1. This makes finding the act and the bill number needed in order to research the progress of the bill through a legislative session quite simple.

During the period 1935 to 1953, however, the acts are not placed in the Session Laws in numerical sequence, but were gathered together by the subject matter of the Revised Laws of Hawaii. This requirement was instituted as a part of the compilation of the Revised Laws of Hawaii 1935 and was repealed, partially, due to the compilation of the Revised Laws of Hawaii 1955.¹ An example from the Session Laws of Hawaii 1943 appears in Appendix E. Act 1 of the 1943 Session Laws is to be found on page 288 of the 1943 Session Laws. Therefore, in looking for acts between 1935 and 1953, the table of contents of the session laws must be consulted to find the page on which an act starts.

Determining an amendment made to a statutory section by an act has become easier over the years. Act 271, Session Laws of Hawaii 1984, set forth in chapter 2, contains bracketed and underlined material. The brackets indicate material that has been repealed and the underscoring indicates material that has been added. This method of reproducing bills as acts in the Session Laws has been used since 1982.² Before 1982, the Revisor of Statutes did not show the bracketed material or the underlining. Thus, in order to determine the amendments made by an act, either the last version of the act in bill form had to be obtained, or the statute before its amendment and the act had to be read against each other to determine the changes. The Revisor of Statutes does put amendment notes in the Supplement, but these are terse and a researcher cannot rely on them in performing complete research.

Beginning with the 2001 Regular Session, the Legislature began a practice of showing repeal deletions through the use of both bracketing and overstrike. This was not imposed as a hard and fast requirement, and bills were passed, in some cases using only the brackets. Researchers should be aware of this fact when researching measures passed during this transition period.

Before 1970, the legislature did not always set a section out in full to amend it but only substituted words, phrases, or paragraphs. An example from the 1963 Session Laws is included in Appendix F.

¹Enacted, 1935 Haw. Sess. Laws, Act 10. Repealed 1955 Haw. Sess. Laws, Act 76.

²See *Haw. Rev. Stat.*, §23G-16.5.

Part II. Useful Tables

There are a number of statutory and session laws tables which will make finding information easier.

A table showing conference and standing committee report numbers relating to each act was first inserted in the 1984 Session Laws.

COMMITTEE REPORTS ON MEASURES ENACTED AND VETOED

A Compilation of Acts and Vetoed Measures,
Together with the Pertinent Committee Report References,
Listed by Act Numbers

<u>Act No.</u>	<u>Bill No.</u>	<u>Senate Committee Rept. No.</u>	<u>House Committee Rept. No.</u>	<u>Conference Committee Rept. No.</u>
1	SB 1192	135(83) 592(83)	668(83) 1-84	--
2	HB 1638	3-84	2-84	--
3	HB 212	391-84	283(83) 447(83)	--
4	HB 223	392-84	167(83) 449(83)	--
5	SB 538	81(83) 351-84	726-84	--
6	SB 1546	36-84 270-84	571-84 637-84	--
7	SB 1551	73-84 282-84	547-84 668-84	--
8	SB 1951	234-84	626-84	--
9	SB 2157	179-84	688-84	--
10	HB 530	654(83) 266-84	335(83) 578(83)	--

The above table sets forth the reports in relation to each act by act number. This table can save time, if the researcher is only interested in the committee reports on a bill and not in floor discussion. Using the information in this table, the researcher can go directly to a committee report instead of working through the Journal as discussed in chapter 2. Prior to 1984, this table could be found in a publication issued by the Legislative Reference Bureau called the Digest and Index of Laws Enacted which was published by the Bureau from 1963 through 1983 (see Appendix G).

The next table and one that most researchers are familiar with is the table showing the effect of acts, such as the following taken from the 1984 Session Laws and set forth below in abbreviated form.

TABLES SHOWING EFFECT OF ACTS
Twelfth State Legislature
1984 Regular and First Special Sessions

Key: Am = Amended
 N = New
 R = Repealed
 Ree = Reenacted

Ren = Renumbered
 ___ = Section number to be assigned in HRS Supplement
 Sp = First Special Session

A. SECTIONS OF HAWAII REVISED STATUTES AFFECTED

Section No.	Effect	Act No.	Section No.	Effect	Act No.
VOLUME 1			VOLUME 3		
8-5	Am	227	C 125C (pt I heading)	N	238
11-20, 21	Am	64	125C-1 to 4, 7	Am	238
11-92.1, 92.2	Am	39	125C-21 to 23	N	238
11-112	Am	62	(pt II)		
13-___	N	63	134-6	Am	178
13-4	Am	136	134-11	Am	214
15-2	Am	149	141-1	Am	275
18-1	R	65	142-45 to 47	Am	8
23G-15	Am	90	142-61	Am	210
C 24 (heading)	Am	171	144-5	Am	88
24-___	N	171	145-2, 4	Am	116
26-___	N	152	157-12	Am	11
26-9	Am	45	171-2	Am	19
		97	171-6	Am	117
		213	171-7	Am	154
			171-59	Am	278
			188-28.5	Am	277
			188-29	Am	95
					277
			188E-1	Am	247
			196-___	N	124
			201-3	Am	81
			201-13	Am	262
			205-5.1	Am	151
			205A-22, 26	Am	113
			206E-2	Am	21
			206E-6	Am	20
			206E-10.5	Am	21
			206E-12	Am	15
			206M-1	Am	103
			210-6	Am	92
			226-1, 2, 51,	Am	236
			52, 54 to 56		
			226-57	Am	236
					237
VOLUME 2					
46-15	Am	66			
76-1	Am	101			
76-16	Am	198			
		272			
76-18	Am	101			
78-3	R	85			
78-4	Am	227			
87-___	N	71			
87-4	Am	33			
		186			
		252			
		254			
87-6	Am	252			
88-___ (11 secs, pt VII)	N	108			
88-11	Am	270			

In the Table Showing the Effect of Acts, there are a number of sections which only have the first half of a section number. For example, note section 196- added by Act 124. This number indicates that a new Section has been added to chapter 196 of the *Hawaii Revised Statutes* but the legislature has left it up to the Revisor of Statutes to determine its exact placement in the chapter. If one wanted to find that new section, chapter 196, being a small chapter, could be reviewed in the 1984 Supplement and the new section found fairly easily. But

for additions to a large chapter this method is not the best method. Other acts add entire new chapters or parts to the *Hawaii Revised Statutes* without a number, leaving it up to the Revisor of Statutes to determine the number.

In order to find the number assigned to a section with an incomplete number or a chapter or part without a number, Tables of Disposition for each act and section are created by the Revisor of Statutes and found in the front of the Index volume or its Pocket Part, a special pamphlet of the *Hawaii Revised Statutes*, or at the back of volume 14. There are two parts to the table.

The first part of the Table of Disposition shows the disposition in the *Hawaii Revised Statutes* of the various sections of the Revised Laws of Hawaii 1955. If the researcher has the section number of a section in the Revised Laws of Hawaii and wants to know where it was placed in the *Hawaii Revised Statutes*, its placement can be found in this table. Each official ten-year compilation of the statutes contains this kind of table to assist the researcher in finding where renumbered sections were placed in the new compilation. With these tables in each compilation, a section can be tracked forward in time from the Penal Code of 1869 through to the *Hawaii Revised Statutes*. The table is set forth below in an abbreviated form.

TABLES OF DISPOSITION

**TABLE 1. REVISED LAWS OF HAWAII 1955, INCLUDING 1965 SUPPLEMENT,
TO HAWAII REVISED STATUTES**

(R = Repealed; O = Omitted because temporary, obsolete, superseded or for some other reason specified in L 1966, c 29, §9)

RLH	HRS	RLH	HRS
1-1	1-1	2-36 to 38	23-7 to 9
1-2	R	2-39	23-3
1-3	1-2	2-50	22-1, 3
1-4, 5	R	2-51	22-2
1-5.5	1-27	2-52	22-4
1-6 to 18	1-3 to 15	2-53	22-5
1-21 to 27	1-16 to 22	3-1 to 5	76-1 to 5
1-28	1-25	3-6	O
1-29	1-23	3-7	76-6
1-30	1-24	3-8	R
1-31	1-26	3-10	O
1-36	1-28	3-11	76-11
1-40 to 42	1-29 to 31	3-12	76-72
1-43	8-1 to 4	3-13	76-50, 73
1-44	1-32	3-14	76-74
1-45	3-1	3-15	76-56
1-46	3-2	3-16	76-51
1-47	R	3-17	76-12, 14
1-50 to 59	2-1 to 10	3-18	76-75
2-1 to 5	21-1 to 5	3-19	76-13, 15, 76, 80
2-6	R	3-20	76-16
2-7	21-10	3-21	76-17, 79
2-8	21-11	(1st par.)	76-18
2-9 to 12	21-6 to 9	(a)	76-19
2-20	24-1, 2	(b)	76-20
2-30	23-1	(c)	76-21, 22
2-31	23-2	(d)	76-23 to 25
2-32 to 34	23-4 to 6	(e) to (g)	76-27 to 34
2-35	23-10	(h) to (o)	76-35
		(p)	

The second part of this table shows the placement in the *Hawaii Revised Statutes* of each act and section in each act from the Session Laws of Hawaii 1955 to date. This part of the table may be used to find the disposition of new sections and chapters added to the *Hawaii Revised Statutes* but not numbered by the legislature. In order to find the disposition of section 196- added to the *Hawaii Revised Statutes* by Act 124, this table may be consulted. The table for 1984 is set forth below in abbreviated form.

SESSION LAWS OF 1984

TABLE 2.

Act	Section	HRS	Act	Section	HRS
SESSION LAWS OF 1984					
1	1	843-2	113	1	205A-22
2 to 6		O		2	205A-26
7	1	436D-7	114	1	356-292
	2, 3	437-7		2, 3	O
	4	437-22	115	1	O
	5	437-25		2	286-162.5, 162.6
	6	437B-9	116	1	145-2
	7	437B-23		2	145-4
	8	438-11	117	1	171-6
	9	439-10	118	1	416-12
	10	439-12		2	418-4
	11, 12	439-15, 16		3	425-6
	13, 14	439-17		4	425-25
	15	439-18		5	425-72
	16	440-11		6 to 8	482-2 to 4
	17	440-13	119	1	572-1
8	1 to 3	142-45 to 47		2	580-21
9	1	460J-1	120	1	286G-3
10		O	121	1	O
11	1	O		2	467-21
	3	O	122	1	712-1250.5
12	1	322-8		2	712-1240
	2	328-8		3	712-1252
	3	328-25	123	1 to 3	281-57 to 59
	4	328-30	124	1	196-6 ←
			125	1	291-31

By using the table it can be determined that the new section number is 196-6. In the same manner the number of a new chapter can be determined and found in the *Hawaii Revised Statutes*.

This table and Table 1 also contain a number of “O”s. An “O” stands for an act or a part of an act which was not codified in the *Hawaii Revised Statutes*. For example, Acts 2 to 6 were appropriation acts and not codified. Act 11, section 1, was a purpose section to an act and is not codified. Material in the *Hawaii Revised Statutes* is prima facie law and has been codified when it is placed in the *Hawaii Revised Statutes*. The Revisor of Statutes does not codify appropriation acts or sections or transitory material such as a section transferring personnel or functions from one office to another.

Part III. The Codification Process

In order to show how a bill becomes part of the *Hawaii Revised Statutes*, or is codified, an example of House Bill No. 2203-84, H.D. 2, S.D. 1, C.D. 2, enacting section 196-6 is set forth in Appendix H.

The bill is first printed as Act 124 in the Session Laws of Hawaii 1984 (see Appendix I). A manuscript of the bill is prepared and the Revisor of Statutes makes necessary changes (see Appendix J). The section number is assigned to the bill and placed in brackets. Bracketed material in a *Hawaii Revised Statutes* section indicates to the reader that the Revisor of Statutes has made a change or assigned a section number and has not used a Revision Note to indicate the change. The Revisor of Statutes has deleted the language “the effective date of this Act” and inserted the date the governor signed the bill into law--May 18, 1984. The Revisor of Statutes has also inserted a Revision Note to indicate the change. Most bills are effective upon the approval of the governor. When the bills are being passed by the legislature, that date is unknown. When the Revisor of Statutes prepares the manuscript for the *Hawaii Revised Statutes* the effective date of the act is known and the Revisor of Statutes inserts the actual date in place of the phrases “upon approval” or “effective date”. An excerpt from the 1984 Supplement to the *Hawaii Revised Statutes* showing section 196-6 as it was codified is in Appendix K.

Chapter 6

CONSTITUTIONAL CONVENTION PROCEEDING DOCUMENTS

Hawaii has had three Constitutional Conventions--1950, 1968, and 1978. In order to properly research the proceeding documents from those Constitutional Conventions, understanding the difference in the operation of the Constitutional Conventions and the legislature will assist the researcher to find the desired information. In the legislature, a bill is given a number and it retains that number throughout the legislative process. The bill is given hearings by standing committees in each House for which standing committee reports are issued and conference committee reports may also be issued.

Hawaii Constitutional Conventions do not operate in the foregoing manner. Each constitutional convention delegate may introduce delegate proposals to amend the Constitution. These delegate proposals are assigned to standing committees by the President of the Convention. The standing committees are created with broad subject matter areas of concern which for the most part have been based on the articles of the Hawaii Constitution.

After the standing committees have studied the delegate proposals and heard testimony, the committee drafts a committee proposal and a standing committee report indicating the delegate proposals considered, the persons giving testimony, and the reasons for the committee proposal. The committee report and the accompanying committee proposal are sent to the Convention to be given a number and to pass first reading. Upon passing first reading the committee proposal is sent to the committee of the whole for further consideration. The committee of the whole is the full Convention acting as a large committee. The rules of parliamentary procedure for committee deliberations are better suited to encourage the discussion and amendment of committee proposals than are the rules used for the Convention acting in plenary session. At this point in the process there are extensive debates of the committee proposal. Amendments are also offered and made to the committee proposal. These debates, entitled Committee of the Whole Debates, are found in Volume II of all three convention proceedings. The debates are a fertile source of the intent of the Convention and must be reviewed for that purpose.

After discussion and amendment of the committee proposal, the committee of the whole will cause a committee of the whole report to be written and amendments agreed to in committee to be made to the proposal. The committee of the whole report is then sent to the Convention for passage of the committee proposal on second reading. At this second reading point, further debate and amendments may be offered to the amended committee proposal. Again, these debates must be reviewed for Convention intent regarding committee proposals. The debates are found in Volume I of all convention proceedings.

After passage on second reading the committee proposal is sent to the Committee on Style. The Committee on Style reviews the committee proposal to ensure that the style and grammar are correct and consistent with other committee proposals being acted upon by the Convention. The Committee on Style will draft a committee report and make any necessary

amendments to the committee proposal which is then sent to the floor of the Convention for passage on third and final reading. In 1968 and 1978, the committee proposals were sent to the Committee on Submission and Information so that the proper questions concerning the amendments to the Constitution could be composed for presentation to the public for vote.

The foregoing discussion hopefully gives the constitutional document researcher an understanding of the Constitutional Convention process.¹ The researcher at a minimum, must look at the standing committee report on the committee proposal, the committee of the whole report on the committee proposal, the committee of the whole debates, and the debates in the plenary session of the Convention on committee proposal as amended by the committee of the whole. In addition, the researcher may wish to review the delegate proposals which were considered by the Convention, the committee reports and amendments made by the Committee on Style, and other convention documents. Both volumes of the convention proceedings contain indexes which refer the researcher to the proper page of the proceedings containing the discussion, the committee report, delegate proposal, or amendment. Although these indexes are not definitive, they are self-explanatory and sufficient for finding the documents and debates desired. In addition, the original documents and testimony on delegate proposals are filed at the Archives and available for review, if desired.

¹For further information on the convention process, see Richard F. Kahle, Jr. (ed.), *Constitutional Convention Organization Procedures*, Hawaii Constitutional Convention Studies (Honolulu: 1978).

Appendix A

ABBREVIATIONS AND SYMBOLS

PC	1850	=	Penal Code of 1850, including session laws of 1850.
PC	1869	=	Penal Code of 1869, enacted in 1870.
PL		=	Penal Laws of 1897, not enacted.
CC		=	Civil Code of 1859, including session laws of 1859.
CPL		=	Compiled Laws of 1884, not enacted.
CL		=	Civil Laws of 1897, not enacted.
L 1893-4		=	Laws of the Provisional Government.
L	1894-5	=	Constitution and Laws of the Republic.
L	1895	=	Laws of the Republic (special session).

Session laws prior to 1870 are referred to by pages, as the chapters were not numbered; since then, by chapters and sections. The year of the session is given in each instance even though the session may have extended into the following year.

add	=	added, or added by.
am	=	amended, or amended by.
am imp	=	amended by implication.
Att. Gen. Op.	=	Opinions of Attorney General of Hawaii.
c	=	chapter or act.
C.F.R.	=	Code of Federal Regulations.
Cong. Rec.	=	Congressional Record.
Const.	=	Hawaii State Constitution.
DCRCP	=	District Court Rules of Civil Procedure.
F.	=	Federal Reporter.
F.R.D.	=	Federal Rules Decisions.
F.2d	=	Federal Reporter, Second Series.
F. Supp.	=	Federal Supplement.
gen ch	=	gender change.
H.	=	Hawaii Reports.
H. App.	=	Hawaii Appellate Reports.
HAR	=	Hawaii Arbitration Rules.
HBJ	=	Hawaii Bar Journal.
HFCR	=	Hawaii Family Court Rules.
HHCA	=	Hawaiian Homes Commission Act.
HRAP	=	Hawaii Rules of Appellate Procedure.
HRCP	=	Hawaii Rules of Civil Procedure.
HRCrP	=	Hawaii Rules of Criminal Procedure.
HRPP	=	Hawaii Rules of Penal Procedure.
HRS	=	Hawaii Revised Statutes.
JC	=	Code of Judicial Conduct.
JR	=	Joint Resolution.
JSCR	=	Judicial Selection Commission, State of Hawaii Rules.
L	=	Session Laws of Hawaii.
L.R.A.	=	Law Reports Annotated.
L Sp ops.	=	Special Session Laws of Hawaii.
Org. Act	=	Opinions of the United States Attorney General.
P.2d	=	Hawaiian Organic Act.
P.2d	=	Pacific Reporter, Second Series.
PR	=	Code of Professional Responsibility.
Pub L or P.L.	=	Public Law, United States Congress.
rat.	=	ratified, as ratified, as ratified by.
RCC	=	Rules of the Circuit Courts of the State of Hawaii.
RCR	=	Rules Governing Court Reporting in the State of Hawaii.
RDC	=	Rules of the District Courts of the State of Hawaii.
ree	=	reenacted.
ren	=	renumbered.

rep.	repealed.
RICA	= Rules of the Intermediate Court of Appeals of the State of Hawaii.
RL	= Revised Laws of Hawaii.
RLC	= Rules of the Land Court.
RLH	= Revised Laws of Hawaii 1955.
R.S.	= United States Revised Statutes.
RSC	= Rules of the Supreme Court of the State of Hawaii.
RSCD	= Rules of the Small Claims Division of the District Courts.
RTAC	= Rules of the Tax Appeal Court of the State of Hawaii.
s or §	= section.
stat	= United States Statutes at Large.
supp.	= 1965 Supplement to Revised Laws of Hawaii.
Supp. R.S.	= Supplement to United States Revised Statutes.
UH L. Rev.	= University of Hawaii Law Review.
US	= United States Reports.
U.S.C.	= United States Code.
U.S.C.A.	= United States Code Annotated.
U.S.D.C. Haw.	= Reports, United States District Court for Hawaii.

Appendix B

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
EIGHTEENTH LEGISLATURE
—
REGULAR SESSION
1935
—

Commenced on Wednesday, the Twentieth Day of February, and
Ended on Wednesday, the First Day of May.

—
PUBLISHED BY AUTHORITY
LEGISLATIVE REFERENCE BUREAU

—
JUN 30 1958

Honolulu, Hawaii, U.S.A. TERRITORY OF HAWAII
Advertiser Publishing Co., Ltd.
1935

of the next school year; provided that the teacher granted such leave shall not engage in any form of employment; and provided, further, that such leave shall not be extended beyond one year and may not be repeated until after a period of eight additional years of service.

[Sec. 712c.] Section 3. [Condition of leave of absence.] Such teacher on sabbatical leave shall devote one-third of his or her total leave either to travel or in professional educational work or both such as would contribute to the value of such teacher in the public school system of this territory.

Section 4. This Act shall take effect upon its approval
(Approved May 1, 1935.) H.B. 36, Act 75.

Series A-21. An Act Providing for the Payment of Salaries for the Months of September and October to School Teachers of the Kona District, County of Hawaii, Who Come Under the Konawaena Coffee Vacation Plan.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 72Sa.] Section 1. [Pay of teachers in Kona district.] The teachers of the Kona District, County of Hawaii, under the Konawaena Coffee Vacation Plan, shall be paid, under such conditions as the Department of Public Instruction may require, their monthly accruing salaries during the months of September and October of each year during which such plan is in operation.

Section 2. This Act shall take effect upon its approval.
(Approved May 4, 1935.) H.B. 261, Act 81.

SCHOOLS.

Series A-22. An Act to Amend Section 734 of the Revised Laws of Hawaii 1935, Relating to the Basis of Instruction in the Public Schools.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 734 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:
"Sec. 734. English language, basis of instruction. The English language shall be the medium and basis of instruction

APPENDIX C

SENATE JOURNAL

EIGHTEENTH LEGISLATURE

OF THE

TERRITORY OF HAWAII

REGULAR SESSION 1935

Printed by
The New Freedom Press
Honolulu, Hawaii,
1935.

"provided that facilities for such examinations are available at the clinic;"

and in line 10 of Section 1, change the word "however" to "further".

As thus amended, your Committee recommends the passage of this bill.

Respectfully submitted,

**ELSIE H. WILCOX, Chairman;
WM. H. HILL,
JOSEPH R. FARRINGTON,
H. H. HOLT,
HENRY FREITAS.**

Upon motion by Senator Wilcox, seconded by Senator Farrington, the report of the Committee was adopted. House Bill No. 392, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Senator Wilcox, for the Committee on Education, presented a report (Stand. Corn. Rep. No. 240) recommending the passage of House Bill No. 261, which was read by the Clerk, as follows:

Honolulu, T. H., April 26, 1935.

Honorable George P. Cooke,
Resident of the Senate.

Sir:

Your Committee on Education to which was referred House Bill No. 261, entitled, "An Act providing for the payment of salaries for the months of September and October to school teachers of the Kona District, County of Hawaii, who come under the Konawaena Coffee Vacation plan", begs leave to report as follows:

This bill authorizes the Department of Public Instruction to pay the salaries for the vacation months of September and October to school teachers of the Kona District, County of Hawaii, who come under the Konawaena Coffee Vacation plan.

Your Committee has consulted with the Department of Public Instruction and finds that a plan has been made for such payments. This plan meets with the approval of the Attorney General and trustees of the Employees' Retirement System.

Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

**ELSIE H. WILCOX, Chairman;
WM. H. HILL,
JOSEPH R. FARRINGTON,
H. H. HOLT
HENRY FREITAS.**

Upon motion by Senator Wilcox, seconded by Senator Campsie, the report of the Committee was adopted. House Bill No. 261 passed Second Reading and was placed on the calendar for Third Reading tomorrow.

~~Senator Wilcox, for the Committee on Education, presented a report (Stand. Com. Rep. No. 241) recommending the passage, in amended form of House Joint Resolution No. 21, which was read by the Clerk, as follows:~~

Honolulu, T. H., April 26, 1935.

Honorable George P. Cooke,
President of the Senate.

Sir:

Your Committee on Education to which was referred House Joint Resolution No. 21, relating to "Directing the Commissioners and Superintendent of Public Instruction to give special consideration to teachers on leave of absence when filling vacancies that may occur in the public schools", begs leave to report as follows:

The purpose of this bill is to secure for former teachers of many years' service now out on leave of absence special consideration in appointment to positions. Your Committee is in sympathy with the aim of the bill, but feels that the same should be amended to apply to former employees of the Department as well as to teachers, and particularly to those who were dropped during the economy program of 1932-1933.

In accordance with these views, your Committee has prepared a redraft of the bill, which is submitted herewith. In such amended form your Committee recommends its passage.

Respectfully submitted,

ELSIE H. WILCOX, Chairman;
WM. H. HILL,
JOSEPH R. FARRINGTON,
H. H. HOLT,
HENRY FREITAS.

H. J. R. No. 21
(Amended Form)

JOINT RESOLUTION

DIRECTING THE COMMISSIONERS AND SUPERINTENDENT OF PUBLIC INSTRUCTION TO GIVE SPECIAL CONSIDERATION TO CERTAIN FORMER EMPLOYEES WHEN FILLING VACANCIES THAT MAY OCCUR IN THE PUBLIC SCHOOLS.

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

Appendices not available online:

D 1963 House Journal, pp 81-7

E Session Laws of Hawaii 1943, p 88

H House Bill No. 2203-84, pp 92-3

J Manuscript for 1984 Supplement to Hawaii Revised Statutes, pp 95-6

Appendix F

SESSION LAWS OF HAWAII 1963

ACT 193

ACT 193

An Act Relating to Statutory Revision; Amending or Repealing Provisions of the Revised Laws of Hawaii 1955 and Session Laws of Hawaii for the Purpose of Correcting Errors, Clarifying Language, Correcting References and Deleting Obsolete Provisions.

Be it *Enacted by the Legislature of the State of Hawaii:*

SECTION 1. In this Act, unless otherwise stated, all chapter or section references are to the Revised Laws of Hawaii 1955 and amendments thereto, including chapter or section designations assigned by the revisor of statutes in the compilation of the 1%1 Supplement to the Revised Laws of Hawaii 1955. Also, in this Act, *'Session Laws' means the Session Laws of Hawaii.

SECTION 2. Section 1-5.5 is amended by substituting "sections 1-54 and 1-55" for the reference "sections 1-4 and 1-5".

SECTION 3. Section 4A-1 is repealed.

SECTION 4. Section 14A-19 is amended by deleting the words "with the director of social services as ex officio chairman and included as an additional commissioner of the housing authority" in the first sentence of the fifth paragraph and substituting therefor the words "with the director of social services as an additional commissioner, ex officio, of the housing authority".

SECTION 5. Section 14A-20 is amended by deleting the third paragraph.

SECTION 6. Section 18-15.5 is amended to read:

"§ 18-15.5. Weights of coffee ; rules. The board may make rules respecting the weighing of coffee prior to its shipment to points outside the State. and providing for the certification of weights thereof. Further, a reasonable schedule of fees to defray the expense of administering this section shall be established by the board, which fees shall be collected and deposited with the state director of the budget to the credit of the general fund: provided that the board shall consult the appropriate industries, organizations and agencies prior to the promulgation of the rules."

SECTION 7. Section 21-61 is repealed.

SECTION 8. Section 22-2 is amended by changing the last sentence of paragraph (a) to read : "Any money recovered by the director under this provision shall be deposited with the state director of the budget to the credit of the general fund:".

SECTION 9. Section 22-26.2 as amended by the Session Laws of 1961, Act 139, section 1, is amended by adding the word "or" between the words "commercial" and "promotional" in the definition of "commercial exporter".

SECTION 10. Section 22-26.5 is amended by changing the last two sentences to read: "All fees collected shall be deposited with the state director of the budget to the credit of the general fund."

SECTION II. Section 22-26.8 is amended by changing the last

238

Appendix G

**1981
DIGEST
AND INDEX OF
LAWS
ENACTED**

**ELEVENTH STATE LEGISLATURE
1981 REGULAR SESSION
1981 FIRST SPECIAL SESSION**

**. Legislative Reference Bureau
State Capitol
Honolulu, Hawaii 96813**

Price: \$5.00

II. MEASURES ENACTED AND VETOED

A Compilation of Acts and Vetoed Measures,
Together with the Pertinent Committee Report References,
Listed by Senate and House Bill Numbers

A. Eleventh State Legislature 1981 Regular Session

<u>Senate Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Rept. No.</u>	<u>House Committee Rept. No.</u>	<u>Conference Committee Rept. No.</u>
28	29	312	900	
55	229	577	929	SC 41 HC 42
67	al	551	962	SC 21 HC 15
73	30	533	924	
113	Vetoed	358	943	SC 5 HC 37
123	31	403	944	
126	206	331	974	SC 51 HC 51
163	64	58 452	818 937	SC 44 HC 43
164	82	360	954	
233	2	9	74	
253	Vetoed	385	926	
258	42	197	811	
271	83	468 288	919 942	SC 12 HC 5
273	32	254 420	899	
330	43	315	845 933	

Appendix I

SESSION LAWS OF HAWAII 1984

ACT 124

H.B. NO. 2203-84

A Bill for an Act Relating to Energy Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 196, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§196- Energy efficient storage hot water heaters. (a) No new storage hot water heater which is not certified as meeting the energy efficiency standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., as set forth as the current ASHRAE 90 Standard, shall be sold or installed in the State after June 1, 1985; provided, however, that nothing contained herein shall prevent sales from being made in the State for use outside the State. Upon effective date of this Act, no retail seller or distributor shall increase their inventory of storage hot water heaters which are not certified as being in compliance with the current ASHRAE 90 Standard, and all storage hot water heaters sold after June 1, 1985 shall be certified by the manufacturer, or the retailer, or both, as being in compliance with the current ASHRAE 90 Standard.

(b) Within ninety days ~~after~~ the effective date of this Act, the energy resources coordinator or its successor entity shall notify, in writing, all retail sellers and distributors of storage hot water heaters doing business in this State, of the provisions of this section.

(c) Any violation of subsection (a) shall be a misdemeanor; provided a fine of not less ~~than~~ \$50 nor more than \$500 shall be imposed, and all fines shall be imposed consecutively. Each storage hot water heater sold in violation of this section shall constitute a ~~separate~~ offense."

SECTION 2. New statutory material is underscored.'

SECTION 3. This Act shall take ~~effect~~ upon its approval.

(Approved May 18, 1984.)

Note

- 1. ~~Edied~~ pursuant to HRS

~~ACT 125~~

~~H.B. NO. 2337-84~~

~~A Bill for an Act Relating to Tail Lights on Vehicles.~~

~~*Be It Enacted by the Legislature of the State of Hawaii:*~~

Appendix K

1984 SUPPLEMENT TO HAWAII REVISED STATUTES

[§196-6] Energy efficient storage hot water heaters. (a) No new storage hot water heater which is not certified as meeting the energy efficiency standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., as set forth as the current ASHRAE 90 Standard, shall be sold or installed in the State after June 1, 1985; provided, however, that nothing contained herein shall prevent sales from being made in the State for use outside the State. Upon May 18, 1984, no retail seller or distributor shall increase their inventory of storage hot water heaters which are not certified as being in compliance with the current ASHRAE 90 Standard, and all storage hot water heaters sold after June 1, 1985 shall be certified by the manufacturer, or the retailer, or both, as being in compliance with the current ASHRAE 90 Standard.

(b) Within ninety days after May 18, 1984, the energy resources coordinator or its successor entity shall notify, in writing, all retail sellers and distributors of storage hot water heaters doing business in this State, of the provisions of this section.

(c) Any violation of subsection (a) shall be a misdemeanor, provided a fine of not less than \$50 nor more than \$500 shall be imposed, and all fines shall be imposed consecutively. Each storage hot water heater sold in violation of this section shall constitute a separate offense. [L 1984, c 124, § 1]

Revision Note

"May 18, 1984" substituted for "the effective date of this Act".